

MASONIC LAW
of
NEW YORK

including

The Constitutions

Rules of Order

The Old Charges

Code of Procedure

Benevolent Orders Law

Statutes, Opinions, Decisions

**Interpretations, Rulings
and Edicts**

Supplement

and a comprehensive

Index

NEW YORK
PUBLISHED BY THE GRAND LODGE
FREE AND ACCEPTED MASONS
1991

Copyright 1970, 1977, 1986, 1991
ROBERT C. SINGER
Grand Secretary of the Grand Lodge
of Free and Accepted Masons of the State of New York

TABLE OF CONTENTS

	PAGE
THE CONSTITUTIONS	3-46
RULES OF ORDER	49-55
LANDMARKS (in The Constitutions)	56
THE OLD CHARGES (The Charges of a Freemason)	57-61
THE ATHOLL CHARTER	62-63
ACTS OF INCORPORATION	64-84
BLANK FORMS	85-88
BENEVOLENT ORDERS LAW	89-98
CODE OF PROCEDURE	105-122
MASONIC LAW - Statutes, Opinions, Decisions, Interpretations, Rulings and Edicts	3-357
SUPPLEMENT TO THE MASONIC LAW, 1970	360-387
SUPPLEMENT TO THE MASONIC LAW, 1991	387.1
INDEX	393-520

C

C

C

INTRODUCTION

AS EARLY as 1926 Grand Master Richardson appointed a committee to bring up to date Crook's Compilation and Digest of Masonic Law, the name of which was changed officially in 1930 to "Compilation and Digest of Masonic Law of the Grand Lodge of Free and Accepted Masons of the State of New York."

Grand Master Rowan, at whose suggestion this committee was appointed, had further suggested that a separate volume of ready reference to Masonic law be prepared for the use of Masters and other Masonic officials.

At a subsequent session of Grand Lodge, the committee recommended that an "Index-Digest," similar to that contained in Brother Crook's work, be prepared and printed in a separate volume and that, for the time at least, this take the place of the book of ready reference recommended by Grand Master Rowan.

At about this time, the compiler of the original edition of the "Handbook of Masonic Law," as a member of The American Lodge of Research, had begun the preparation of a single volume in which he intended to collate the provisions of the Constitutions with the interpretation thereof by Grand Masters and Grand Lodge as embodied in the "Compilation and Digest" and the later annual "Proceedings of the Grand Lodge."

Following the death of R. W. CHARLES G. F. WAHLE, to whom had been delegated the task of preparing an "Index-Digest," the committee decided upon the publication of a volume which would serve at once the purpose of the "Index-Digest" and also as a book of reference such as had been recommended by Grand Master Rowan.

The result was the original "Handbook of Masonic Law and Index-Digest," which undoubtedly filled a long-felt want.

Unfortunately, however, it was the consensus of the committee that this book should include *all* the decisions found in the "Compilation and Digest" and in satisfying this requirement much matter was included which, in the light of legislative enactment, was no longer law.

The supply of this original volume, as well as of the Supplement thereto which was printed in 1943, is now exhausted and the time for a new edition is indicated.

The present volume is a complete revision which eliminates obsolete matter and attempts to cover only the existing law of the Craft whether it is found in the Book of Constitutions, the Code of Procedure, the "Compilation and Digest" or the later annual "Proceedings of the Grand Lodge."

For the benefit of the analytical student, however, references are made to the pages in the first edition on which are to be found statements of law and rulings which have been repealed or reversed.

HOWARD P. NASH

Feb. 14, 1952.

TABLE OF ABBREVIATIONS

- 1952 p. —: *Annual Proceedings of Grand Lodge for year given.*
- Add. — G.M.: *Address of Grand Master whose name given.*
- Bd. Cust.: *Board of Custodians.*
- Ben. Ord. L.: *Benevolent Orders Law, being chapter 3 of the Consolidated Laws of New York, the quoted parts of which are printed in Consts.*
- Code P.: *Code of Procedure of the Grand Lodge of Free and Accepted Masons of the State of New York. Edition of May 3, 1951.*
- Comm. on App.: *Committee on Appeals.*
- Comm. Chart.: *Committee on Charters.*
- Comm. Cond. M.: *Committee on Condition of Masonry.*
- Comm. Corr.: *Committee on Foreign Correspondence.*
- Comm. Gen. R.: *Committee on General Rules.*
- Comm. Griev.: *Committee on Grievances.*
- Comm. J.: *Committee on Jurisprudence.*
- Commrs. App.: *Commission of Appeals.*
- Comp.: *Compilation and Digest of Decisions and Relevant Matter Contained in Proceedings of the Grand Lodge of Free and Accepted Masons of the State of New York. 3 vols.*
- Consts.: *Book of Constitutions of the Grand Lodge of Free and Accepted Masons of the State of New York. Edition of September 15, 1951.*
- G. M.: *Decision of Grand Master whose name given.*
- J. A.: *Opinion of Judge Advocate whose name given.*
- 1 Kane R.: *Early History and Transactions of the Grand Lodge . . . 1781-1815 N. Y. 1876.*
- 2 Kane R.: *Transactions of the Grand Lodge . . . 1816-1827. N. Y. 1880.*
- L.: *Landmarks as prepared by M. W. Joseph D. Evans and printed in Consts.*
- Laws: *Laws of the State of New York for year given.*
- Pen. L.: *Penal Law of the State of New York.*
- R. O.: *Rules of Order which are printed in Consts.*
- S. C.: *Same case.*

SUGGESTION TO READER

WHILE this volume has no "Index" either at back or front, it is intended primarily for the use of non-professional members of the Craft and the manner of using it is extremely simple.

On the opposite page headed "Analysis" there are fifteen main heads under one of which any question of Masonic law will naturally fall. Turning first to that page, the user will decide under which of the fifteen heads he may expect to find an answer to his question and at the end of the line which he selects will see a reference to the page on which a "Detailed Analysis" will be found. On the page thus indicated, the main topic is further divided and subdivided under headings which, being indented and in varying faces of type, are easily read. Running through these and selecting the appropriate subhead, he will readily locate a line covering the topic in which he is interested. At the end of such line is a section number enclosed in [] in which section the law is stated and the authorities in support of such statement are cited.

A table of the abbreviations used will be found on page v.

MASONIC LAW OF NEW YORK

ANALYSIS

- I. DEFINITIONS** (detailed analysis p. 2)
- II. RULES OF CONSTRUCTION** (detailed analysis p. 7)
- III. GRAND LODGE** (detailed analysis p. 11)
- IV. GRAND OFFICERS** (detailed analysis p. 33)
- V. GRAND LODGE COMMITTEES** (detailed analysis p. 73)
- VI. COMMISSION OF APPEALS** (detailed analysis p. 79)
- VII. TRUSTEES OF MASONIC HALL AND ASYLUM FUND** (detailed analysis p. 81)
- VIII. GRAND REPRESENTATIVES** (detailed analysis p. 87)
- IX. MASONIC FOUNDATION FOR MEDICAL RESEARCH AND HUMAN WELFARE** (detailed analysis p. 89)
- X. MASONIC WAR VETERANS OF THE STATE OF NEW YORK, INC.** (detailed analysis p. 92)
- XI. PARTICULAR LODGE AND ACQUIRING MEMBERSHIP** (detailed analysis p. 95)
- XII. LODGE OFFICERS** (detailed analysis p. 222)
- XIII. THE INDIVIDUAL MASON** (detailed analysis p. 256)
- XIV. TRIALS AND DISCIPLINE** (detailed analysis p. 275)
- XV. WIVES, WIDOWS, CHILDREN AND ORPHANS** (detailed analysis p. 356)

- I. DEFINITIONS [§§1-23]**
 - A. AGGRIEVED LODGE [§1]**
 - B. BALLOT [§2]**
 - C. CLANDESTINE LODGE [§3]**
 - D. CLANDESTINE MASON [§4]**
 - E. DESIRE — DESIROUS [§5]**
 - F. DOMICILE, PERMANENT HOME, RESIDENCE [§6]**
 - G. FELONY [§7]**
 - H. GOOD MASONIC STANDING [§§8-9]**
 - 1. Rule Stated [§8]**
 - 2. Effect of Charges [§9]**
 - I. HEALING [§10]**
 - J. INITIATION FEE [§11]**
 - K. LAWFUL MASONIC INFORMATION [§12]**
 - L. MASONIC APPEAL [§13]**
 - M. MASONIC TRIAL [§14]**
 - N. METROPOLITAN DISTRICT [§15]**
 - O. NON-AFFILIATED MASON [§16]**
 - P. PARTICULAR LODGE [§17]**
 - Q. PERMANENT FUND [§18]**
 - R. PERSONAL OR MATERIAL JURISDICTION [§19]**
 - S. RESERVE FUND [§20]**
 - T. SINKING FUND [§21]**
 - U. STATED AND SPECIAL COMMUNICATIONS [§22]**
 - V. UNAFFILIATED MASON [§23]**



GRAND LODGE
FREE AND ACCEPTED MASONS
OF THE
STATE OF NEW YORK

M. W. GARY A. HENNINGSEN, P.G.M.
GRAND SECRETARY

TEL: (212) 337-6600
FAX: (212) 633-2639

November 15, 1999


To: Registered Owners of the Revised *Book of Masonic Law* 1991

Enclosed are the following replacement pages that should be inserted into your three-ring-bound copy of the *Book of Masonic Law*:

Replacement Pages	Change or Correction	Affects these sections
1995 Cover Letter	Corrections (1999)	Const. 313.9 & 406
5 & 6	Change (1997)	Const. Sec. 111
10.1 & 10.2	Change (1996)	Const. Sec. 123
20 & 20.1	Change (1996)	Const. Sec. 209
23 & 24	Change (1996)	Const. Sec. 285
27 & 28	Change (1996)	Const. Sec. 315
41 & 42	Correction (1999)	Const. Sec. 508
43 & 44	Change (1998)	Const. Sec. 600.8
43 & 44	Change (1998)	Const. Sec. 600.9
51 & 52	Change (1998)	Rules of Order XI, 11
51 & 52	Change (1998)	Rules of Order XI, 14
53 & 54	Change (1996)	Rules of Order XI, 23
91 & 92	Correction (1999)	Benevolent Order Law
92.1	Correction (1999)	Benevolent Order Law

Please retain these summary change pages in the front of your *Book of Masonic Law* for future reference. If you have any suggestions which may be useful in updating the remainder of this volume, please let us know.

Sincerely and fraternally,


Gary A. Henningsen, PGM
Grand Secretary

C

C

C



GRAND LODGE
FREE AND ACCEPTED MASONS
OF THE
STATE OF NEW YORK

M. W. GARY A. HENNINGSEN, P.G.M.
 GRAND SECRETARY

July 31, 1995

TEL: (212) 741-4500
 FAX: (212) 693-2659

To: Registered Owners of the Revised *Book of Masonic Law* 1991

Enclosed are the following replacement pages that should be inserted into your three-ring-bound copy of the *Book of Masonic Law*:

Replacement Pages	Change or Correction	Affects these sections
5 & 6	Correction	Const. Sec. 110.1
5 & 6	Change	Const. Sec. 111 & 112
7 & 8	Change	Const. Sec. 118.9
9 & 10	Change	Const. Sec. 121.4
" "	Change	Const. Sec. 121.6
" "	Change	Const. Sec. 121.7
" "	Sec. 121.6 renumbered	Const. Sec. 121.8
10.1	Carry over page	
19 & 20	Correction	Const. Sec. 250
21 & 22	Correction	Const. Sec. 250 & 251
21 & 22	Change	Const. Sec. 276
25 & 26	Change	Const. Sec. 302
27 & 28	Change	Const. Sec. 313.6
" "	Correction	Const. Sec. 313.8
" "	Correction	Const. Sec. 313.9
29 & 30	Change	Const. Sec. 322
31 & 32	Change	Const. Sec. 333
33 & 34	Sec. 345.4 deleted & Sections 345.5 to 345.17 renumbered	
" "	Sec. 345.5 renumbered	Const. Sec. 345.4
" "	Sec. 345.6 changed and renumbered	Const. Sec. 345.5
" "	Sec. 345.7 renumbered	Const. Sec. 345.6
" "	Sec. 345.8 renumbered	Const. Sec. 345.7
" "	Sec. 345.9 deleted	
" "	Sec. 345.10 to 345.17 renumbered	Const. Sec. 345.8 to Const. Sec. 345.15
39 & 40	Change	Const. Sec. 364
▶ 41 & 42	Correction	Const. Sec. 406
51 & 52	Change	Rules of Order XI, 11
" "	Change	Rules of Order XI, 11.1
51 & 52	Change	Rules of Order XI, 19
" "	Deleted	Rules of Order XI, 19.1
53 & 54	Change	Rules of Order XI, 19.2
55 & 56	Change	Rules of Order XVIII
91 & 92	New - Sub-Section 4.4	Benevolent Order Law
92.1	Carry over page	
506.01	Correction - missing page	Book of Law- Index

Please retain these summary change pages in the front of your *Book of Masonic Law* for future reference. If you have any suggestions which may be useful in updating the remainder of this volume, please let us know.

Sincerely and fraternally,

Gary A. Henningsen, PGM
 Grand Secretary

▶ This symbol indicates corrected errors in prior cover sheet. The correction is shown in bold face.

C

C

C

THE CONSTITUTIONS

OF THE

GRAND LODGE

OF

FREE AND ACCEPTED MASONS

OF THE

STATE OF NEW YORK

SEPTEMBER 1991

0

0

0

CONTENTS

CHAPTER I THE GRAND LODGE (Sections 100-133)

	SECTION	PAGE
Title	100	3
Territorial Jurisdiction	101	3
Composition	102	4
Communications	103	4
Number Representatives to Open Grand Lodge	104	4
Number Votes of Lodges	105	4
Proxies	106	4
Persons Entitled to Admission to Grand Lodge	107	4
Precedence of Lodges	108	5
Elective Officers	109	5
Metropolitan and Country Districts: Distribution and Qualifications of Elected Officers	110	5
Appointive Officers	111	5
Title of Officers	112	6
Grand Master's Power	113	6
Devolution of Grand Master's Powers, Duties and Prerogatives in Case of His Death, Absence or Inability	114	7
Deputy Grand Master's Powers	115	7
Warden's Duties	116	7
Grand Treasurer's Duties	117	7
Grand Secretary's Duties	118	8
Finance Committee	119	9
District Deputy Grand Master's Qualifications	120	9
District Deputy Grand Master's Powers and Duties	121	10
Grand Chaplain's Duties and Compensation	122	10
Grand Lecturer and Assistants' Qualifications and Duties	123	10
Appointive Officers' Duties	124	11
Commission of Appeals	125	11
Judge Advocate and Proctor	126	11
Officers' Additional Duties	127	12
Vacancies in Office: How Filled	128	12
Salaries, Grand Officers	129	12
Representatives: reimbursement of	130	12
Compensation of Non-salaried Grand Officers	131	12
Absence Forfeits Compensation	132	12
District Grand Lodges	133	13

CHAPTER II

TRUSTEES OF THE MASONIC HALL AND ASYLUM FUND (Sections 200-208)

Trustees of the Masonic Hall and Asylum Fund: Election	200	17
Trustees of the Masonic Hall and Asylum Fund: Suspension and Removal ..	201	18
Trustees of the Masonic Hall and Asylum Fund: Powers	202	18
Permanent Fund Trustees	203	19

CONTENTS

	SECTION	PAGE
Reserve Fund Trustees	203	19
Creation of Sinking Fund	204	19
Permanent Fund Exception from Transfer	205	19
Permanent Special Funds Appropriation Limited	206	19
Bond of Treasurer	207	20
Depositories of Trustees	208	20

CHAPTER II-A

Masonic Medical Research Laboratory	250	20
---	-----	----

CHAPTER II-B

Masonic War Veterans of the State of New York, Inc.	275-279	21
--	---------	----

CHAPTER II-C

Tappan Washington Memorial Corporation	285	23
--	-----	----

CHAPTER II-D

Chancellor Livingston Library	290-293	23
-------------------------------------	---------	----

CHAPTER III

PARTICULAR LODGES

(Sections 300-372)

Officers	300	25
Powers, Duties and Privileges of a Chartered Lodge	301	25
Officers: How Chosen	302	25
Members' Voting Qualifications	303	25
Membership Eligibility to Office	304	25
Master's Qualification - for Election in Chartered Lodge - Except at Constitution of New Lodge	305	25
Re-elected Officers to be Installed	306	25
Installation by Proxy Except Master	307	25
Master Elect to be Put in Possession of Secrets of the Chair	308	26
Master's Powers and Duties	309	26
Master's Prerogatives and Duties Devolved on Wardens in Case of His Death, Absence or Disability	310	26
Presiding Officer's Decision without Appeal except to Grand Master or Grand Lodge	311	26
Treasurer's Duty	312	26
Secretary's Duty	313	26
Officers Subject to Direction of Presiding Officer	314	27
Jewels and Aprons	315	27
Master and Wardens Cannot Resign	316	28
Vacancies in Office: How Occurring	317	28
Vacancies in Elective Office: How Filled	318	28
By-Laws	319	28
Seal and Books of the Lodge	320	28

CONTENTS

	SECTION	PAGE
Proceedings of Grand Lodge, and Records of all Minute Books and other		
Records of Lodge Proceedings, etc., to be Preserved in Lodge Archives ..	321	29
Minutes to be Read, Approved and not Thereafter to be		
Altered or Expunged	322	29
Lodge Proceedings to be Submitted to Grand Lodge	323	29
Communications at Least Once in Each Year	324	29
Opened and Closed on Third Degree	325	29
Dispensation to Form New Lodge	326	29
Dispensation: Who May Not Join in Petition	327	30
Powers and Limitations of Lodges under Dispensation	328	30
Dispensations Expire April 1st	329	30
Status of Members of Lodge under Dispensation	330	30
Membership Continued After Charter	331	30
Conditions for Charter	332	30
Lodge of Masonic Study and Research	333	31
Dissolution of Lodge	334	31
Surrender of Charter	335	31
Forfeiture of Charter: Cause for	336	31
Forfeiture of Charter: Proceedings	337	31
Surrender of Charter: Effect Upon Members and Disposition		
of Lodge Property	338	31
Suspension of Charter	339	32
Consolidation of Lodges	339-A	32
Membership in a Lodge: How Acquired	340	32
By-Laws to be Signed to Consummate Membership	341	32
Jurisdiction - Territorial - Air Line and Exceptions	342	33
Removal of Place of Meeting	343	33
Residence Qualifications of Candidates for Initiation	344	33
Petition for Initiation: Form of	345	33
Candidate Qualifications	346	34
No Ballot within Twelve Months After Rejection	347	35
Affiliation, Conditions and Action on Petition	348	35
Affiliations, Dual Membership	348	35
Dual Membership	348, 348-A, 349	35-36
Honorary Membership: How Acquired	350	36
Status of Honorary Member	351	37
Investigating Committee on Petitions Must Report "Favorable"		
or "Unfavorable"	352	37
Petition Ceases to be Pending When Ballot Has Been Had	352	37
Withdrawal of Petitions Prohibited	353	37
Ballot on Petition, at Stated Communication only	354	37
Members Must Vote on Petition	355	37
Merits of Petitioner for Initiation, Passing, Raising, or Affiliation		
Not to be Discussed in Lodge	356	37
Ballot Not to be Postponed or Adjourned	357	37
Ballot for Each Degree if Demanded. New Ballot Before Initiation if		
Demanded and Result of Rejection	358	38
Advancement in Another Lodge of an Estopped Brother	359	38
Fee for Initiation	360	38
Number of Candidates for Degree Limited to Five Except By Dispensation -		
Time Between Degrees and Meetings for Degrees - Petitioner Must		
Answer Questions on Petition Form in his own handwriting	361	38

CONTENTS

	SECTION	PAGE
✓ Proficiency for Advancement	363	39
Advancement in Other Lodges	364	39
Advancement of Candidates from Lodges of Other Jurisdictions	365	39
Lodges Shall Practice Standard Work; Exceptions	366	39
Non-payment of Dues: Penalty, may be Disfranchisement or Unaffiliation: How Restored	367	39
Suspension After Trial: Lodge to Pay Grand Lodge Dues	368	40
Withdrawal	369	40
Non-affiliate Disabilities	370	40
Power to Tax or Assess Members and Failure to Pay Same	371	40
Funds - Distribution Limited	372	40

CHAPTER IV TRIALS AND DISCIPLINE *(Sections 400-407)*

Judicial Powers of Grand Lodge	400	40
Trials and Appeals to be According to Code of Procedure	402	40
Rule of Construction of Constitutions and Code of Procedure - Liberal and Not Strict	403	40
Penalties as Prescribed in these Constitutions and by Code of Procedure ...	404	40
Penalty for Felony Expulsion	405	41
Brother convicted of Felony forthwith suspended and charges must be preferred	405	41
Disclosure of Ballot a Masonic Offense. On Trial no Proof Permitted as to Kind, Number or Description of Ballots Cast	406	41
Misrepresentation or Concealment or Deceit in Application for Initiation ...	407	41

CHAPTER V MISCELLANEOUS PROVISIONS *(Sections 500-509)*

Secret Ritual Publications	500	41
Circularization of Lodges Prohibited	501	42
Intoxicating Liquors in Lodge Rooms Prohibited	502	42
Sunday Meetings Prohibited	503	42
Masonic Districts	504	42
Visitors to Lodges, Qualifications of	505	42
Visitors, Requirements Authorizing Examination of	506	42
A Brother attending a Body Claiming to be Masonic but not Recognized by this Grand Lodge Guilty of a Masonic Offense	507	42
Masonic Bodies Recognized by this Grand Lodge	508	42
Use of Freemasonry for Political Exploitation a Masonic Offense	509	43

CHAPTER VI FEES AND DUES *(Sections 600-602)*

Revenue of Grand Lodge and Special Appropriations	600	43
---	-----	----

CONTENTS

	SECTION	PAGE
Amendment for Benefit of Hall and Asylum Fund must be submitted to and adopted by Three-Fourths of all Lodges entitled to be represented in Grand Lodge, pursuant to Section 324, Constitutions	601	44
Dues to Grand Lodge	602	44

CHAPTER VII

DEFINITIONS

(Sections 700-704)

Good Masonic Standing Defined	700	44
Residence	701	44
Non-affiliated Mason and Unaffiliated Mason Defined	702	45
Clandestine Lodge	703	45
Clandestine Mason	704	45

CHAPTER VIII

AMENDMENTS

(Sections 800-802)

Rules of Order, Vote on Amendment	800	45
Amendment of Constitutions and Code of Procedure	801	45
Repeal of Inconsistent Former Constitutions, Statutes, Rules of Order, Code of Procedure and Decisions Not to Impair Former Final Judgments or Proceedings Unless the Contrary is Expressly Declared	802	45

Preamble		3
Masonic Belief		3
Masonic Teaching		3

RULES OF ORDER

Absence of Presiding Officer, Who Presides		49
Appeals, Report of Commission of		54
Brother Permitted to Speak But Once		49
Brother Violating Rules of Order		49
Call for Votes by Lodges Must be Sustained by at least ten members		49
Charters		50
Constitutions		51
Correspondence and Relations		50
Credentials		49
Custodians of the Work		51
Designation of Seats		54
Election of Grand Officers		54, 55
Endowments		52
Fifty Year Service Medals		52
Finance		50
Grand Lodge Awards for Distinguished Achievement		52
Grand Lodge Awards - Fifty Year Service Medals		52
Grand Lodge Seating		54
Grand Lodge Voting		49

CONTENTS

	PAGE
Grand Secretary, Ten Days' Notice of all Propositions	53
Jurisprudence	50
Law Enforcement	51
Landmarks	56
Library and Museum	53
Lodge Records and Finance	52
Lodge Sales	52
Masonic Benevolence	52
Masonic Brotherhood Fund	53
Masonic Education and Lodge Service	51
Masonic Jurisprudence	50
Necrology	51
Pay of Members and Representatives	49
Propositions to be in Writing	49
Public Relations and Publications	52
Restorations	50

THE CHARGES OF A FREE MASON

CHARGE I

Concerning God and Religion	57
-----------------------------------	----

CHARGE II

Of the Civil Magistrate, Supreme and subordinate	57
--	----

CHARGE III

Of Lodges	57
-----------------	----

CHARGE IV

Of Masters, Wardens, Fellows and Apprentices	58
--	----

CHARGE V

Of the Management of the Craft in working	58
---	----

CHARGE VI

Of Behavior, viz.: In the Lodge while Constituted	59
Behavior after the Lodge is over and the Brethren not gone	59
Behavior when Brethren meet without Strangers, but not in a Lodge formed	60
Behavior in Presence of Strangers not Masons	60
Behavior at Home and in your Neighborhood	60
Behavior towards a Strange Brother	60

THE ATHOLL CHARTER

Copy of the Original Charter of the Grand Lodge of the State of New York	62
--	----

ACTS OF INCORPORATION

Act to incorporate the Trustees of the Masonic Hall and Asylum Fund	64
---	----

CONTENTS

	PAGE
Certificate of Incorporation for the Masonic Medical Research Laboratory (formerly the Masonic Foundation for Medical Research and Human Welfare)	76
Certificate of Incorporation of Masonic Brotherhood Foundation, Inc.	82

BLANK FORMS

Petition for a New Lodge	85
Certificate recommending a Dispensation to establish a New Lodge	85
Certificate for Lodge certifying to Proficiency of Proposed Master and Wardens	85
Proxy to Represent a Lodge	86
Dimit issued to Brother withdrawing	86
Certificate for a Brother unaffiliated who subsequently paid his dues	87
Summons for Non-payment of Dues	87
Summons for Election of Officers	87
Summons to act on Removal of a Lodge	88
Summons to act on Change of By-Laws	88

BENEVOLENT ORDERS LAW

Chapter 3 of the Consolidated Laws so far as applicable to a Lodge of Free and Accepted Masons	91
Certificate of Election of Trustees under Benevolent Orders Law	97

0

0

0

THE CONSTITUTIONS

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 establish and promulgate the following Laws, Rules, Regulations, Declarations and Definitions, which, collectively, in accordance with ancient Masonic usage, shall be known and referred to as the Constitutions.

PREAMBLE

As an expression of the simplest form of faith of Masonry, not exhaustive, but incontrovertible and suggestive, the following is

THE MASONIC BELIEF

There is one God, the Father of all men.

The Holy Bible is the Great Light in Masonry, and the Rule and Guide for faith and practice.

Man is immortal.

Character determines destiny.

Love of man is, next to love of God, man's first duty.

Prayer, communion of man with God, is helpful.

Recognizing the impossibility of confining the teaching of Masonry to any fixed forms of expression, yet acknowledging the value of authoritative statements of fundamental principles, the following is proclaimed as

THE MASONIC TEACHING

Masonry teaches man to practice charity and benevolence, to protect chastity, to respect the ties of blood and friendship, to adopt the principles and revere the ordinances of religion, to assist the feeble, guide the blind, raise up the downtrodden, shelter the orphan, guard the altar, support the Government, inculcate morality, promote learning, love man, fear God, implore His mercy and hope for happiness.

CHAPTER I

THE GRAND LODGE

SECTION 100. This Grand Lodge shall be known as "The Grand Lodge of Free and Accepted Masons of the State of New York."

SEC. 101. This Grand Lodge is the only true and legitimate source of Masonic authority within the territorial limits of the State of New York and within such extra-territorial jurisdiction as it has or may assume and exercise. It is the supreme and sovereign Masonic authority, executive, legislative and judicial. Its powers are inherent and are subject only to such limitation as the Grand Lodge may impose upon itself or which are imposed by the Ancient Landmarks of Freemasonry or by the law of the land.

SEC. 102. 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 the order of seniority, or a Proxy duly elected by the Lodge), the members of the Commission of Appeals, the Judge Advocate, the Proctor, the Trustees of the Masonic Hall and Asylum Fund, the Members of the Masonic Medical Research Laboratory, the Trustees of the Chancellor Robert R Livingston Library of Grand Lodge, the Custodians of the Work, and the members of the Standing Committees and of the Special Committees appointed by authority of the Grand Lodge; but no one can be a member of this Grand Lodge unless he be a member in good standing of some Lodge within its jurisdiction. Cessation of membership in a Lodge within said jurisdiction shall vacate such membership in this Grand Lodge.

SEC. 103. The Annual Communications of this Grand Lodge shall be held in the State of New York, commencing on one of the first ten days in May and at a place designated by the Grand Master and announced prior to the closing of the Annual Communication immediately preceding. 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 at a Special Communication except upon at least thirty days' notice by the Grand Master to all Lodges under the jurisdiction of this Grand Lodge stating the proposed legislation.

SEC. 104. 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.

SEC. 105. Each duly accredited Representative of a Lodge shall be entitled to three votes, and one vote additional for each fifty members over the first fifty; and each of the other members of the Grand Lodge, except the Grand Tiler, shall be entitled to one vote. A Master of a Lodge who is also an officer or other member of the Grand Lodge, shall be entitled to vote only as Representative of his Lodge.

SEC. 106. A Lodge may, at a Stated or Special Communication, by a majority vote, elect one of its members who is a Past Master, as Proxy to represent it, in the absence of its Master and Wardens, at the next succeeding Communication of the Grand Lodge. Such Proxy shall not be permitted to act as Representative in the Grand Lodge unless there shall have been filed with the Grand Secretary, prior to the opening of the Grand Lodge, a certificate of his election, attested by the seal and signature of the Secretary; provided that during the presence of the Master or a Warden, any Proxy given by the Lodge for that purpose is superseded.

SEC. 107. None but members of the Grand Lodge (the 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.

SEC. 108. Lodges shall take precedence according to the order in which they stand upon the roll of the Grand Lodge.

SEC. 109. The following officers, namely: Grand Master, Deputy Grand Master, Senior Grand Warden, Junior Grand Warden, Grand Treasurer and Grand Secretary, shall be elected at each Annual Communication of this Grand Lodge, by ballot, and by a majority of votes, excluding blank ballots, unless there be but one candidate in nomination, when an election may be had by show of hands. Said officers shall be installed at the same Annual Communication or on the nearest convenient day thereafter, and shall hold their offices for one year, or until their successors are elected and installed.

SEC. 110. The jurisdiction of this Grand Lodge is hereby divided into four Regions, designated and defined as follows: (A) METROPOLITAN REGION, which shall be composed of the Lodges in the following Districts: Bronx, First Kings, Second Kings, Third Kings, First Manhattan, Second Manhattan, Third Manhattan, Fourth Manhattan, Fifth Manhattan, Sixth Manhattan, Seventh Manhattan, Eighth Manhattan, Ninth Manhattan, Tenth Manhattan, First Nassau, Second Nassau, First Queens, Second Queens, Richmond, Suffolk, First Westchester-Putnam, Second Westchester-Putnam; (B) The MID-STATE REGION, which shall be composed of the Lodges in the following Districts: Broome-Chenango, Cayuga-Tompkins, Chemung-Schuylcr-Tioga, Cortland-Madison, Franklin-Hamilton, Herkimer, Jefferson, Jefferson-Lewis, First Oneida, Second Oneida, First Onondaga, Second Onondaga, Oswego, First St. Lawrence, Second St. Lawrence; (C) The HUDSON-CHAMPLAIN REGION, which shall be composed of the Lodges in the following Districts: Albany, Clinton, Columbia, Delaware, Dutchess, Essex, Fulton-Montgomery, Greene-Ulster, Orange-Rockland, Otsego-Schoharie, Rensselaer-Schenectady, Saratoga-Warren, Sullivan, Washington; (D) The WESTERN REGION, which shall be composed of the Lodges in the following Districts: Allegany, Cattaraugus, Chautauqua, First Erie, Second Erie, Third Erie, Genesee-Wyoming, Livingston, First Monroe, Second Monroe, Niagara-Orleans, Ontario-Seneca-Yates, Steuben, Wayne.

1994
Correction

[SEC. 110.1 When the Grand Master shall be chosen from the Metropolitan Region, 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 Metropolitan Region, the Deputy Grand Master shall be chosen from that Region. The Senior Grand Warden and the Junior Grand Warden shall be chosen from some part of the State other than the Metropolitan Region. The Grand Treasurer and Grand Secretary shall be chosen from the Metropolitan Region. Membership in a Lodge in a particular Region for at least one year immediately preceding such election shall be controlling in respect to the provisions of this subsection.

SEC. 111. The following officers, namely: A Grand Marshal, Deputy Grand Marshal, Senior Grand Deacon, Junior Grand Deacon, Grand Standard Bearer,

1992 Deputy Grand Standard Bearer, Grand Historian, Grand Lecturer, Judge Advocate, Proctor, Grand Pursuivant, Grand Tiler, Grand Organist, a District Deputy Grand Master for each Masonic District, twenty-two Grand Chaplains and such additional Grand Chaplains not exceeding twenty; and such Grand Directors of Ceremonies, Grand Stewards, and Grand Sword Bearers, as the Grand Master may deem advisable, shall be appointed by the Grand Master at the Annual Communication, or within thirty days after the close thereof, to hold office during his pleasure or until their successors are appointed.

The Grand Master may, in his discretion, from time to time, appoint District Grand Masters in districts in which District Grand Lodges are established, who shall hold office during his pleasure or until their successors are appointed.

1992 Sec. 112. The title of the Grand Master shall be "Most Worshipful" and the remaining Grand Officers, including the Commissioners of Appeals, the Trustees of the Masonic Hall and Asylum Fund, the members of the Masonic Medical Research Laboratory, the Trustees of the Chancellor Robert R Livingston Library of Grand Lodge, the Judge Advocate and Proctor, the Grand Pursuivant, the Grand Tiler and the Grand Organist shall be "Right Worshipful".

Sec. 113. The Grand Master shall have power:

1. To preside in the Grand Lodge.
2. To exercise all the executive and judicial functions of the Grand Lodge when it is not in session.
3. To nominate and appoint Grand Officers and Committees.
4. To convene any Lodge within the jurisdiction, open and close the same, preside therein, inspect its proceedings, and require its conformity to Masonic law.
5. To require the attendance of, and information from, any Grand Officer respecting his office.
6. To suspend any elected officer of a Lodge from the functions of his office for just cause.
7. To suspend the charter of any Lodge until the next Annual Communication of the Grand Lodge.
8. In case of vacancies in the office of Master and Wardens of a Lodge, to grant a dispensation for an election to fill such vacancies.
9. 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.
10. To grant a dispensation for a new Lodge, under the restrictions of these Constitutions.
11. To grant such other dispensations as may be applied for in accordance with these Constitutions.
12. 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; provided, however, that

10. To transmit to the several Grand Lodges, in correspondence with this Grand Lodge, a certificate of the election of Grand Officers, immediately thereafter, under the seal of the Grand Lodge.
11. To notify the Lodges in each Masonic District of the appointment of a District Deputy Grand Master and a Staff Officer for that District and to furnish each District Deputy Grand Master with a list of the Lodges in the District and blank forms for the annual statement of District Deputy Grand Masters.
12. To prepare and forward to each Lodge annually blanks for returns of membership, returns of election of officers, and tabular statements to District Deputy Grand Masters. Also to prepare and furnish, when required, blanks for the election of Proxies.
13. To keep an Alphabetical Register of all rejections officially reported to him from Lodges, specifying the date of such rejection, the age, occupation, nativity and residence of the person rejected, 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.
14. At the commencement of each term of office to execute and file with the Grand Master an official bond in an amount and form and with sureties to be approved by the Grand Master, conditioned that he will pay over promptly to the Grand Treasurer all moneys of the Grand Lodge received by him and that he will at the expiration of his term deliver to his successor in office, or such person as shall be designated by the Grand Lodge, all books, writings and property of the Grand Lodge under his control with proper assignments. Failure to give such bond within thirty days after election shall be deemed a declination of the office unless the time therefor be extended by the Grand Master.

Sec. 119. The accounts of the Grand Treasurer, Grand Secretary, Trustees of the Masonic Hall and Asylum Fund, Masonic Medical Research Laboratory, Chancellor Robert R Livingston Library, Masonic Brotherhood Foundation, and the Tappan Washington Memorial Corporation shall be examined by the Committee on Finance appointed pursuant to the Rules of Order, who shall make report to the Grand Master and to the Grand Lodge at each Annual Communication. The said Committee shall have the power to employ an accountant and with the consent of the Grand Master, draw upon the Grand Treasurer for the compensation for his services.

Sec. 120. 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.

Sec. 121. Each District Deputy Grand Master shall have power and it shall be his duty:

1. To visit officially every Lodge in his District at least once during his term, if practicable; and all necessary expenses incurred by him, which in the discharge of his duty, shall be paid by the Lodge so visited.
2. To preside in each Lodge upon the occasion of his official visit; 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 discover 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 unaffiliated for non-payment of dues, shall be restored; 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 judges it expedient, specially to report the same to the Grand Master.
3. To take possession of the funds and property of any dormant or extinct Lodge in his District and transfer the same to the Grand Secretary.
4. 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 31st day of December and transmit such report to the Grand Secretary on or before the first day of April, to be by him laid before the Grand Lodge.
5. To prepare a report, for the year ending on the first day of April, of the general condition of Masonry in his District, and of his acts therein, with such particulars as he may deem necessary, including the names and numbers of the Lodges in his District not visited by him, together with the reasons therefor, and transmit such report to the Grand Master on or before the 15th day of April.
6. To grant written permission to a Lodge to have its brother receive the Fellow Craft or Master Mason Degrees in a Lodge other than his own in that District. In each case, there must be a good and sufficient reason advanced as to why the Degree cannot be conferred in the brother's Lodge. The District Deputy Grand Master will make an annual report of such actions, as set forth in Section 364.
7. To grant written permission to Lodges to wear Masonic regalia on suitable public occasions that are in keeping with proper Masonic dignity.
8. To perform such other services and duties as may be deputed or intrusted to him by the Grand Master or by the Grand Lodge.

Sec. 122. It shall be the duty of the Grand Chaplains to attend the Grand Lodge and to conduct its religious services and to attend upon the Grand Master and officiate at public and private functions when designated so to do, for which services the necessary disbursements shall be paid.

Sec. 123. 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 Masonic District subject to the approval of the Grand Master.

The Grand Lecturer shall also have the power to appoint one Regional Assistant Grand Lecturer as an assistant to the Grand Lecturer in each Masonic Region, subject to the approval of the Grand Master.

[The title of Assistant Grand Lecturers and Past Assistant Grand Lecturers who
[have not already attained the title of Right Worshipful shall be Very Worshipful.
1996 [The title of Very Worshipful would not denote its holder as having attained the
[rank of an officer in Grand Lodge and would not permit the holder to wear a
[purple apron.



SEC. 203. The persons who shall from time to time comprise the "Trustees of the Masonic Hall and Asylum Fund" shall be, and hereby are, constituted the Trustees of the Permanent Fund. All investments, securities and title papers thereof shall remain in the custody of the "Trustees of the Masonic Hall and Asylum Fund," whose duty it shall be to take the best measures for the security and increase thereof and to invest the same from time to time as they may decide.

The Permanent Fund shall consist of such moneys as remain therein at the time of the adoption of these Constitutions, together with such additional sums as Grand Lodge may from time to time by appropriation add thereto. No appropriation shall be made therefrom without a vote of the Grand Lodge at an Annual Communication, had upon a resolution for such appropriation, which resolution shall state in detail the object and precise amount of the proposed expenditure and shall not be acted upon until at least one day after it has been introduced and read.

SEC. 204. The net revenue derived by such "Trustees of the Masonic Hall and Asylum Fund" from the real property of the Fraternity and not required for the payment of fixed charges and other expenses of management of the same and for the maintenance of the Home shall create a Sinking Fund for the retirement of charges upon such property and to meet obligations connected therewith, and shall not be used for any other purpose without a vote of the Grand Lodge.

SEC. 205. The "Trustees of the Masonic Hall and Asylum Fund" is authorized and empowered to call in, collect and satisfy, sell, assign, hypothecate, pledge, redeem, re-hypothecate, and repledge any mortgage or mortgages or other securities now in the name or custody of the "Trustees of the Masonic Hall and Asylum Fund" (not part of the Permanent Fund hereafter held by the persons who shall from time to time comprise the Trustees of the Masonic Hall and Asylum Fund, as the Trustees of the Permanent Fund), and to apply the proceeds of any sale thereof, or loan or loans obtained and secured therewith, to the improvement or maintenance, or both, of any real estate of the Fraternity, and to execute any and all necessary instruments, documents, and papers by such officer or officers or members of said "Trustees of the Masonic Hall and Asylum Fund" as it shall designate. In the absence or disability of any designated officer or officers of said "Trustees of the Masonic Hall and Asylum Fund" any other member or members thereof may be appointed by said Trustees to act temporarily in place of and with the power of the absent or disabled officer.

SEC. 206. All funds heretofore or hereafter accepted by the Grand Lodge for special purposes or special trusts shall be paid over to the "Trustees of the Masonic Hall and Asylum Fund" unless the Grand Lodge shall otherwise direct. No appropriation from any of such special or trust funds shall be made by the Trustees other than for the purpose for which such Special or Trust Fund was created, or if the purpose is not defined, without a vote of the Grand Lodge at

an Annual Communication. Separate accounts shall be kept by the Trustees of the various funds in their custody and control.

Sec. 207. The Treasurer of the "Trustees of the Masonic Hall and Asylum Fund" at the commencement of each term of office shall execute and file with the Grand Master an official bond, in an amount and in form, and with sureties to be approved by the Grand Master, conditioned that he will pay or deliver to said Trustees, on their demand or as they shall direct, all funds and property which shall come into his hands as such Treasurer, and that upon the expiration of his term of office as such Treasurer he will account for and pay, or deliver, to said Trustees, or to his successor, all funds and property that shall have come into his hands as such Treasurer and remain unexpended.

Sec. 208. All moneys of the Grand Lodge paid to the "Trustees of the Masonic Hall and Asylum Fund" shall be deposited in some depository or depositories approved by the Grand Master, and be drawn out only by check of the Treasurer of said Trustees, countersigned by the President or Vice-President, or during the absence or disability of either, or both, of such officers by the substituted officer or officers *pro tem*.

1996 [Sec. 209. The "Trustees of the Masonic Hall and Asylum Fund" is authorized [and empowered to (a) Own, maintain, and operate the George Washington [Masonic Shrine at Tapan, also known as the DeWint House National Historic [Shrine at Tappan, and, (b) take all actions and execute, acknowledge and deliver [all instruments as may be necessary, proper or desirable to acquire such Shrine [and carry out the provisions, purpose, and intent of paragraph (a) of this Section.

CHAPTER 11-A

MASONIC MEDICAL RESEARCH LABORATORY (formerly Masonic Foundation for Medical Research and Human Welfare)

1994 Correction [Sec. 250. Masonic Medical Research Laboratory, hereinafter called the ["Laboratory", a corporation as defined in subparagraph (a) (5) of SECTION [102 (Definitions) and a type B Corporation as defined in SECTION 201 [(Purposes) of Not-for-Profit Corporation Law of the State of New York, [shall consist of not less than five nor more than fifteen 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. No elec- [tive officer of Grand Lodge, while holding such elective office, shall be [eligible for election as a Director of the said Laboratory and no such [Director of the Laboratory shall be eligible to any elective office in the [Grand Lodge. If any such Director of the Laboratory shall cease to be a [member of a Lodge under the jurisdiction of Grand Lodge as aforesaid, his [place as Director of the Laboratory shall be declared vacant by the Grand [Master. At the 1949 Annual Communication of Grand Lodge, there shall [be elected upon nomination of the Grand Master nine Directors of the

[Foundation to serve for the following terms: Three to serve one
[year, three to serve two years and three to serve three years, and at
[each Annual Communication of said Grand Lodge thereafter Direc-
[tors of the Laboratory shall be nominated by the Grand Master and
[elected to fill such vacancies as may occur by expiration of term,
[whose term shall be for the period of three years from the date of such
[election. The Grand Master shall cause his nominations of Directors of
[the Laboratory to be inserted in the usual notification of the Annual
[Communication of the Grand Lodge. In the event of such nominations
[not being ratified by election at such Annual Communication, the Grand

20.2

CONSTITUTIONS



[Master shall immediately present to the Grand Lodge other nominations for [Directors of the Laboratory. Should a vacancy occur in the Directorship of the [Laboratory for any other cause than the expiration of the term of office of a [Director of the Laboratory, such vacancy shall be filled by appointment by the [Grand Master, such Director to hold office until the next Annual Communication [of the Grand Lodge, when a Director shall be nominated and elected for the [unexpired term.

1994
Correction [SEC. 251. Whenever said Grand Lodge is not in session, the Directors of [the Masonic Medical Research Laboratory shall, upon the request of the [Grand Master, render to him a full and detailed report in writing of and [concerning any and all of their acts and transactions, and the books, papers [and records of said Directors of the Laboratory shall at all times be open to [examination by the Grand Lodge, the Grand Master, or any Committee or [Members of the Grand Lodge which he or it may appoint. Whenever the [Grand Lodge is not in session, the Grand Master may, by a written order, [suspend any Director of the Laboratory from office, and appoint a person [qualified as required by the aforesaid Section 250, to perform his duties, [and such person shall possess all the powers and discharge all the duties of [said Director of the Laboratory. No such suspension shall be made except [for cause, nor until after an opportunity shall have been given the Director [of the Laboratory affected thereby to be heard with regard thereto; such [suspension shall continue in force until acted upon by the Grand Lodge at [its next succeeding Annual Communication and not longer. The Grand [Lodge may at any Annual Communication, and for such cause as it shall [consider sufficient, remove from office any Director of the Laboratory and [upon so doing, shall fill the vacancy thus created by election for the [unexpired term.

CHAPTER II-B

MASONIC WAR VETERANS OF THE STATE OF NEW YORK, INC.

SEC. 275. The governing body of Masonic War Veterans of the State of New York, Inc., a corporation organized under the auspices of this Grand Lodge on December 14, 1948, pursuant to the Membership Corporation Law of the State of New York, shall consist of nine Directors 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. If any such Director shall cease to be a member of a Lodge under the jurisdiction of Grand Lodge, as aforesaid, his place shall be declared vacant by the Grand Master.

SEC. 276. The Board of Directors of Masonic War Veterans of the State of New York, Inc., is and shall be empowered to Charter subordinate Posts of such Organization, upon such terms and conditions as it may, from time to time establish, to consist exclusively of persons who are (a) members in good standing in constituent Lodges of this Grand Lodge, or of some other Grand Jurisdiction with which this Grand Lodge is in Masonic affiliation and (b) were regularly enlisted, drafted, inducted or commissioned and who, at any time in the past

1991

[were, or hereafter shall be, accepted into and serve in the Army, Navy, Coast Guard, Marine Corps, Air Force, Merchant Marine, or any other federal armed force that, by federal law or regulation or by the laws of the State of New York may be accorded veteran status. The eligibility status defined by the foregoing sentence shall apply whether service was active or reserve, and shall also apply to those who, being nationals of any other country in alliance, whether formal or informal, with the United States, participated in military or naval activity pursuant thereto against a common enemy.

No Applicant for membership in Masonic War Veterans shall be eligible for such membership after separation from the service, should that separation have been or be under conditions other than honorable, and any member thereof, continuing in military, naval, or air service shall be subject to the same restrictions on continuance of membership in Masonic War Veterans.

SEC. 277. Any Post Charter which shall, at any time, have been granted pursuant to the authorization contained in Section 276, may be suspended by the Commander General of Masonic War Veterans of the State of New York, Inc., with the approval of a majority of the Executive Committee of the Board of Directors, by a majority vote of the Board of Directors or by the Grand Master. It may be revoked by the vote of a majority of the Board of Directors or by the Grand Master.

SEC. 278. At each Annual Communication of Grand Lodge, there shall be elected upon nomination of the Grand Master, five members of the Board of Directors, to serve for one year and until their respective successors shall have been elected and qualify. The remaining four Directors shall be elected by the Posts or their representatives from among their membership during the month of May in each year, provided, however, that no more than one Director shall thus be elected from any single Post. The Grand Master shall cause his nominations of five directors to be inserted in the annual notification of the Annual Communication of the Grand Lodge. In the event of such nominations not being ratified at such Annual Communication, the Grand Master shall immediately present to the Grand Lodge other nominations for Directors. Should a vacancy occur in the Directors for any cause other than the expiration of the term of office of a Director, such vacancy may be filled by election by a majority vote of the remaining Directors in office and the written approval of the Grand Master, but no such election shall be effective until such approval has been received. Any successor Director thus elected and approved, shall hold office for the unexpired portion of the Director whom he succeeds.

SEC. 279. Whenever said Grand Lodge is not in session, the Directors of Masonic War Veterans of the State of New York, Inc., shall, upon the request of the Grand Master, render to him a full and detailed report in writing of and concerning any and all of their acts and transactions, and the books, papers and records of said Masonic War Veterans of the State of New York, Inc., shall at all times be open to examination by the Grand Lodge, the Grand Master, or any Committee of Members of the Grand Lodge which he or it may appoint.

Whenever the Grand Lodge is not in session, the Grand Master may, by written order, suspend any Director of Masonic War Veterans of the State of New York, Inc., from office, and appoint a person qualified as required by the aforesaid Section 276, to perform his duties, and such person shall possess all the powers and discharge all the duties of said Director. No such suspension shall be made except for cause, nor until after an opportunity shall have been given the Director affected thereby to be heard with regard thereto.

CHAPTER II-C
TAPPAN WASHINGTON MEMORIAL CORPORATION

SEC. 285. The George Washington Masonic Shrine at Tappan, also known as the DeWint House National Historic Shrine, shall continue to be owned, maintained and governed by the Tappan Washington Memorial Corporation, granted a provisional charter June 22, 1934, and an absolute charter June 20, 1941 (by the Board of Regents of the University of the State of New York) whose officers shall be the Grand Master as President, the Deputy Grand Master as Vice President, the Grand Treasurer as Treasurer and the Grand Secretary as Secretary, by virtue of their respective Grand Lodge offices, but only until such time as such Shrine is transferred to the "Trustees of the [Masonic Hall and Asylum Fund"

CHAPTER II-D
CHANCELLOR LIVINGSTON LIBRARY

SEC. 290. *The Chancellor Robert R Livingston Masonic Library of Grand Lodge*, hereinafter called the "Library", holding Absolute Charter Number 18,542 granted June 17, 1983, by the Board of Regents of the University of the State of New York for and on behalf of the State Education Department, shall consist of eighteen (18) Trustees 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 together with associates who shall be all the members of this Grand Lodge established as an Association Library, fifteen (15) of the Trustees to be elected upon nomination of the Grand Master at the Annual Communication of this Grand Lodge as vacancies may occur. At the 1987 Annual Communication there shall be elected on nomination of the Grand Master fifteen (15) members of the Association to serve as Trustees for the following terms: five to serve one year, five to serve two years, and five to serve three years; in addition to, and to possess the same powers and to discharge the same duties as, the fifteen Trustees so nominated and elected, the following three Grand Lodge officers, during their terms of office as such, shall, ex officio, also be Trustees: the Grand Master, the Deputy Grand Master, and the Grand Secretary; and at each Annual Communication thereafter Trustees of the Library shall be nominated by the Grand Master and elected to fill such vacancies as may occur by expiration of term, whose term shall be for the period of three years from the date of such elections. If any Trustee of the Library shall cease to be a member of a Lodge under the jurisdiction of the Grand Lodge, his place

as a Trustee shall be declared vacant by the Grand Master. Beginning with the 1987 Annual Communication the Grand Master shall cause his nominations of Trustees of the Library to be inserted in the usual notifications of the Annual Communication of the Grand Lodge. In the event of such nominations not being ratified by election at such Annual Communication, the Grand Master shall immediately present to the Grand Lodge other nominations for Trustees of the Library. Should a vacancy occur in the Board of Trustees of the Library for any cause other than the expiration of the term of office of a Trustee of the Library, such vacancy shall be filled by appointment by the Grand Master, such Trustee to hold office until the next Annual Communication of the Grand Lodge, when a Trustee shall be nominated and elected for the unexpired term.

SEC. 291. The said Trustees of the Library shall adopt by-laws not in conflict with the Constitutions of the Grand Lodge, and shall elect from their number such officers of the Library as such by-laws may provide.

The officers and Trustees of the Library shall make a full and detailed report of all the doings of the Library at each Annual Communication of the Grand Lodge.

Whenever the Grand Lodge is not in session, the said Trustees shall, upon the request of the Grand Master, render to him a full and detailed report in writing of and concerning any and all of their acts and transactions, and the books, papers and records of said Trustees shall at all times be open to examination by the Grand Lodge, the Grand Master, or any Committee of the members of the Grand Lodge which he or it may appoint.

Whenever the Grand Lodge is not in session, the Grand Master may, by a written order, suspend any Trustee from office, and appoint a person qualified to perform his duties, and such person shall possess all the powers and discharge all the duties of said Trustee. No such suspension shall be made except for cause, nor until after an opportunity shall have been given the Trustee affected thereby to be heard with regard thereto, such suspension to continue in force until acted upon by the Grand Lodge at its next succeeding Annual Communication and no longer.

The Grand Lodge may at any Annual Communication, and for such cause as it shall consider sufficient, remove from office any Trustee elected pursuant to this Chapter and, upon so doing, shall fill the vacancy thus created by election for the unexpired term.

SEC. 292. *The Chancellor Robert R Livingston Masonic Library of Grand Lodge*, until such time as it may be declared by the Grand Master to be self-sufficient and self-supporting, shall operate and be administered as the Grand Lodge Library and Museum is presently operated and administered.

SEC. 293. In the event of dissolution, all of the remaining assets and property of *Robert R Livingston Masonic Library of Grand Lodge* shall, after necessary expenses thereof, be distributed to such organization as shall qualify under Section 501(c)(3) of the Internal Revenue Code of 1954, as amended, or to

another organization to be used in such manner as in the judgment of a Justice of the Supreme Court of the State of New York will best accomplish the general purposes for which this organization was formed.

CHAPTER III

PARTICULAR LODGES

SECTION 300. A 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 by virtue of, and in accordance with, a charter or dispensation held under the authority of this Grand Lodge.

Sec. 301. The powers, duties and privileges of a chartered Lodge under this jurisdiction shall be such as are defined by its Charter, by the Constitutions of this Grand Lodge and the Ancient Landmarks.

1992 [Sec. 302. The Master, Senior Warden, Junior Warden, Treasurer and Secretary of a chartered Lodge must be chosen annually by ballot, and by a majority of votes, excluding blank ballots, at the first Stated Communication of such Lodge following the Annual Communication of Grand Lodge in May, summoned as required by the Charter, and be installed no later than June 30 by an actual Master or Past Master of a Lodge.

A Lodge may provide in its By-Laws for additional officers to be either elected or appointed.

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.

Sec. 303. Every member of a Lodge in good standing is entitled to one vote; provided, however, that a Lodge may enact and enforce a By-Law which will disfranchise a member, at an election of officers, for nonpayment of dues; but no such By-Laws shall disfranchise a member at any election, if his dues are paid up to the time the election is held.

Sec. 304. Membership in good standing in a Lodge is necessary to constitute eligibility, to office therein, except in case of a Tiler, who must be a member in good standing of some Lodge, but need not be a member of the Lodge for which he tiles. Every member is eligible to any office in the Lodge except that of Master.

Sec. 305. No member can be the Master of a chartered Lodge unless he has previously served as an installed Master or Warden, except at the constitution of a new Lodge.

Sec. 306. Officers re-elected must be installed after each election.

Sec. 307. A member of a Lodge may be installed by proxy, at the discretion

of the installing officer, in any office of which he has signified his acceptance, except that of Master.

SEC. 308. Previous to his installation the Master-elect of the Lodge must be put in possession of the secrets of the chair.

SEC. 309. The Master of a Lodge has power, and it shall be his duty:

1. To congregate the members of his Lodge upon any emergency.
2. To issue summons, which must be issued over his name, by his order, and attested by the written signature of the Secretary under the seal of the Lodge, and the original inserted in the Lodge minutes. A true copy of such summons must be served upon the brother summoned, either personally, or by mail through the Post Office to his address last known to the Secretary.
3. To see that the duties of the Secretary are faithfully and punctually performed and that all reports and returns are promptly made.
4. To discharge all the executive functions of the Lodge; and
5. To remove any appointed officer for cause deemed sufficient by the Master.

SEC. 310. In case of the absence or disability of the Master, or a vacancy in his office, the Senior and Junior Warden shall, in succession, succeed to his prerogatives and duties for all purpose, except such as pertain to the installation of officers. In the absence of the Master and Wardens, a Lodge cannot be opened except as herein provided.

SEC. 310-A. In the event of the disability of the Secretary of a Lodge or the Treasurer of a Lodge, the Master shall appoint all Acting Secretary or an Acting Treasurer as the case may be, to act during such disability with power to perform the duties of the office to which he is appointed.

SEC. 311. 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.

SEC. 312. It shall be the duty of the Treasurer of a Lodge:

1. To receive from the Secretary all money paid into the Lodge and give his receipt therefore.
2. To keep a just and regular account thereof; and
3. To pay money out by order of the Lodge when so certified by the Master and Secretary.

SEC. 313. It shall be the duty of the Secretary of a Lodge:

1. To record the proceedings of a Lodge, under the direction of the presiding officer.
2. To receive all money 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 and rejections.
5. To report immediately to the Grand Secretary the name, age, occupation, nativity and residence of every rejected candidate for initiation, with the date of such rejection.
6. To make a full and correct return to the Grand Lodge annually of all Entered Apprentices, Fellow Crafts and Master Masons made during the year for which the return is rendered, with the Lodge number, age, occupation, nativity, residence and dates of receiving such degrees; also of all affiliates during the year, with the Lodge number, age, occupation, nativity, residence, date of affiliation, and name, number and jurisdiction of the Lodge from which dimitted, together with full information as to all changes that occurred in the membership of the Lodge during the year, which return shall be made upon blanks furnished by the Grand Lodge, be certified to by the Secretary, approved by the Master and transmitted to the Grand Secretary before the first day of February in each year.
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 District Deputy Grand Master of the condition of the Lodge on the thirty-first day of December, in the form prescribed by the Grand Lodge, to be transmitted on or before the first day of February.
9. To report immediately to the Grand Secretary the suspension of a member by the Lodge, stating the cause of such suspension, and immediately to report the lifting of a suspension of a member of the Lodge.
10. 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
11. To attest the official signature of the Master to all other Masonic documents when necessary.
12. To notify all rejected candidates of their rejection.
13. To transmit and to deliver to his successor in office all permanent records of the Lodge in his possession.

Sec. 314. The officers shall be subject, in all things relating to their official duties, to the direction of the Master or presiding officer.

Sec. 315. The jewels of the officers of Lodges shall be of silver or white metal; the color of their aprons shall be white, or white and blue, and with or without silver ornamentations, except as otherwise especially ordered or allowed by the Grand Lodge.

1993 [

1993 [

Correction

1994 [

Correction

1906 Deleted to conform with 1994 change to 121.7

~~The Worshipful Master of a Lodge may, only on written permission granted by the District Deputy Grand Master, permit the Brethren of a Lodge to wear Masonic clothing and insignia in a dignified manner on such occasions as the District Deputy Grand Master may deem appropriate. A request for granting such permission shall be made in writing to the District Deputy Grand Master at least thirty days prior to the event, accompanied by full details and information of the occasion.~~

SEC. 316. Neither Master nor Wardens can resign, and every officer shall hold his office until his successor shall have been installed, unless his office becomes vacant, as provided in the next Section, or unless, while holding the office of Junior Warden of a Lodge, the holder thereof shall be elected and installed to fill a vacancy in the office of Senior Warden of such Lodge.

SEC. 317. A vacancy in office in a Lodge can only occur:

1. By death.
2. By resignation of other than Master or Wardens.
3. By election and installation of the holder of such office to fill another office in the Lodge, but this shall not apply to Master and Wardens except as provided in subdivision 4 of this Section.
4. By election and installation of the holder of the office of Junior Warden to fill a vacancy in the office of Senior Warden.
5. By expulsion, or by suspension for a time extending beyond the next annual election, or removal from office.
6. By unaffiliation in another Lodge, where the holder of such office is a member of two Lodges under Dual Membership.
7. By withdrawal from membership.

SEC. 318. A vacancy in an elective office, except that of Master, may be filled by ballot at any stated Communication, summoned pursuant to Section 302 of the Constitutions. A vacancy in an appointive office may be filled at any time. In case the offices of Master and Wardens become vacant, the Secretary shall immediately notify the Grand Master of that fact, who shall issue a dispensation to the District Deputy Grand Master of the District in which the Lodge is located, directing the assembling of the Lodge, the holding of an election to fill the vacancies and the installation of the officers. Pending the filling of the vacancy of either the Secretary or the Treasurer of a Lodge, the provisions of Section 310-A shall apply.

SEC. 319. A Lodge has full power and authority to enact By-Laws for its own government, in conformity to the Constitutions of this Grand Lodge and the principles of Masonry, and any By-Laws inconsistent therewith is void; provided, however, that no such By-Laws shall permit the annual dues of any member to be fixed at a less sum than is required to be paid by the Lodge to the Grand Lodge for each of its members.

SEC. 320. Every Lodge shall have a seal, and shall keep the following books, to wit:

SEC. 405. A brother who has been convicted of a felony by the judgment of a court of law of competent jurisdiction shall, forthwith, stand suspended from all the rights and privileges of Masonry until such judgment shall be reversed or set aside or until a Masonic trial shall have resulted in the acquittal of the brother of charges based upon such judgment or until such suspension shall have been terminated by the action of Grand Lodge. It shall be the duty of the Master of the Lodge of which such brother is a member to present a complaint against the brother, or cause the same to be presented against him, in the manner prescribed in the Code of Procedure, which complaint shall state the fact of such conviction. It shall be the further duty of the Master to notify the accused of his suspension and to report the fact of such suspension in open Lodge. A person found guilty after due Masonic trial of an act or conduct constituting a felony under the laws of the State of New York and which shall involve moral turpitude shall be punished by expulsion.

SEC. 406. If any brother shall in any way make known the kind of ballot cast by himself or another on the 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 aforesaid, it shall be deemed a Masonic offense, and such brother so offending may, on conviction thereof, be suspended for a period not exceeding one year. However, the provisions of this section shall not apply to a brother who is directed by the Grand Master to testify in any proceeding for the violation of Section 354 of these Constitutions where such testimony would be relevant to either the prosecution or the defense. On the trial of a brother for any offense 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.

SEC. 407. 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, or in the event that at the time of his initiation he shall have lacked any of the essential qualifications specified in Section 346 of these Constitutions, he may be tried therefor, and, if found guilty, may be punished by suspension or expulsion. If, however, such concealment or deceit relates in any wise to any previous application for initiation in this or any other Masonic jurisdiction, the punishment therefor shall be expulsion.

CHAPTER V

MISCELLANEOUS PROVISIONS

SECTION 500. The use of any book, document or paper written or printed or in cipher purporting to be the secret ritual of Freemasonry is prohibited except such as are officially promulgated by Grand Lodge.

SEC. 501. No circular or appeal to other Lodges or members thereof for donations or for any purpose whatever shall be issued unless the same shall have been officially approved by the Grand Master.

SEC. 502. Intoxicating liquors shall not be allowed within the rooms of a Lodge.

SEC. 503. No Lodge shall meet on Sunday for Masonic labor other than the obsequies of a Mason.

SEC. 504. The Masonic Districts shall remain as now organized, subject to alteration by the Grand Lodge at any Annual Communication.

SEC. 505. No visitor shall be admitted into any Lodge without due inquiry and satisfaction as to his good Masonic standing; nor shall he be admitted or be permitted to remain therein if his presence will disturb the harmony of the Lodge or embarrass its work. The names of visitors to Lodge must be announced in open Lodge, and either there vouched for, or, before examination, a certificate of the visitor's standing in a Lodge warranted by the Grand Lodge must be presented.

SEC. 506. Any visitor from another jurisdiction, unless personally known, applying for examination for admission to a Lodge in this jurisdiction shall be required to present a certificate of his membership in the Lodge from which he hails. Such certificate shall be authenticated as follows:

1. By the Grand Secretary of the Grand Lodge in which such Lodge is located, as to the regular standing of the Lodge.
2. By the Secretary of the Lodge as to the Masonic standing of the brother; and
3. By the signature of the brother in whose name the certificate is issued, for personal identification.

SEC. 507. As the true and legitimate source of Masonic authority and the supreme and sovereign Masonic body in this Grand Jurisdiction, this Grand Lodge recognizes as Masonic only those organizations or bodies which it shall declare so to be or with which it is in Masonic affiliation. Any Mason under the jurisdiction of this Grand Lodge who shall hereafter take or receive, confer or be present at, or assist in the conferring of any degree, grade or order, in or under the authority of any organization or body claiming to be Masonic, or which uses or employs in its ceremonies, either directly or indirectly, or by reference thereto or otherwise, any part of the esoteric work, signs or symbols of the three degrees of Ancient Craft Masonry, and which is not declared to be or recognized as such Masonic organization or body by this Grand Lodge, is guilty of a Masonic offense.

SEC. 508. This Grand Lodge while acknowledging no degrees of Masonry except those conferred under its authority or the authority of a Grand Lodge or Grand Orient which has been, or may hereafter be, recognized by the Grand Lodge of New York as a regular and legitimate Masonic organization, nevertheless, recognizes the following named organizations or bodies to be Masonic:

* 1999

The General Grand Royal Arch Chapter of the United States, The Grand Royal Arch Chapter of the State of New York, and the Royal Arch Chapters and other bodies under their jurisdiction; The General Grand Council of Cryptic Masons of the United States, The Grand Council of Cryptic Masons and the Councils under their jurisdiction; The Grand Encampment of Knights Templar of the United States, The Grand Commandery of the State of New York and the Commanderies under their jurisdiction; The Supreme Councils of the Ancient Accepted Scottish Rite of Freemasonry for the Northern and Southern Masonic Jurisdictions of the United States and the various bodies under their jurisdictions.

SEC. 509. No Lodge or any member thereof, nor any Freemason within this jurisdiction, over whom the Grand Lodge has Masonic penal jurisdiction, shall directly or indirectly use or attempt to use Freemasonry for or against any political activity, enterprise or candidacy; and it shall be unlawful for any such Lodge or Brother either personally or by written letter or circular, or in any other manner, directly or indirectly, to solicit, or attempt to obtain votes for or against any candidate for political office, on the ground, or for the reason that such candidate is or is not a member of the Craft and therefore worthy or otherwise of political support. Any violation of the provisions of this Section shall be a Masonic offense.

CHAPTER VI
FEES AND DUES

SECTION 600. 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 Charter 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:
On parchment..... 1.50
On paper.....0.50
5. For every person initiated into a Lodge..... 25.00
\$3 whereof shall be appropriated to the Hall and Asylum Fund and \$20 whereof shall be paid to the Trustees of the Hall and Asylum Fund and by such Trustees held in a commingled fund or otherwise safely invested, and the income thereof used for the benefit of the Home and the Hospital as their respective needs may from time to time be by said Trustees determined.
6. For the affiliation of every Master Mason and for every Entered Apprentice and Fellow Craft petitioning for and receiving the Degree of Master Mason in the Lodge and signing its By-Laws..... 1.00

- 1998 [
7. For registry fee of every adjoining member or Entered Apprentice made.....\$ 1.00
- [8. Every Lodge shall pay for each of its members annually..... 17.00
[to pay the expenses of Grand Lodge authorized by appropriations
[at an Annual Communication, and any other expenditures
[for any duly authorized projects of Grand Lodge.
- [9. Every Lodge shall pay for each of its members annually,
[which shall be appropriated to the Hall and Asylum Fund..... 0.50
10. Every Lodge shall pay to the Grand Secretary the Annual Fee, as prescribed above in subdivisions 8 and 9, on or before the fifteenth day of March in each year.

SEC. 601. No new charge shall hereafter be imposed upon the Lodges or their members for the benefit of the Masonic Hall and Asylum Fund, except by an amendment to these Constitutions, which shall not be valid until it shall have been submitted to, and adopted by, three-fourths of all the Lodges entitled to be represented in the Grand Lodge pursuant to Section 324 of these Constitutions, and this Subdivision shall in no wise be amended except by the vote of the same number of Lodges similarly entitled to be represented in the Grand Lodge.

SEC. 602. 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; and no dues for such member or members whose Lodge dues have been waived for hardship reasons approved for one year by the District Deputy Grand Master for the time being. During the period from the Annual Communication of 1988 to the Annual Communication of 1989, the Grand Lodge will suspend this requirement in the circumstances following: where an unaffiliate requests restoration upon payment of one year's dues and the Lodge accepts the same, according full reinstatement therefor, the Lodge shall receive from the Grand Lodge a credit, upon the next annual return following, of one year's per-capita dues for one member.

CHAPTER VII DEFINITIONS

SECTION 700. To be in GOOD MASONIC STANDING within the meaning of the Constitutions requires that a brother shall have been initiated, passed, and raised in a just and duly constituted Lodge of Free and Accepted Masons, and is not unaffiliated, suspended or expelled.

SEC 701. Permanent home, Domicile. Primarily the place of birth is the domicile. It can be changed only by a consummated intention evidenced by acts

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.

SEC. 108. Lodges shall take precedence according to the order in which they stand upon the roll of the Grand Lodge.

SEC. 109. The following officers, namely: Grand Master, Deputy Grand Master, Senior Grand Warden, Junior Grand Warden, Grand Treasurer and Grand Secretary, shall be elected at each Annual Communication of this Grand Lodge, by ballot, and by a majority of votes, excluding blank ballots, unless there be but one candidate in nomination, when an election may be had by show of hands. Said officers shall be installed at the same Annual Communication or on the nearest convenient day thereafter, and shall hold their offices for one year, or until their successors are elected and installed.

SEC. 110. The jurisdiction of this Grand Lodge is hereby divided into four Regions, designated and defined as follows: (A) METROPOLITAN REGION, which shall be composed of the Lodges in the following Districts: Bronx, First Kings, Second Kings, Third Kings, First Manhattan, Second Manhattan, Third Manhattan, Fourth Manhattan, Fifth Manhattan, Sixth Manhattan, Seventh Manhattan, Eighth Manhattan, Ninth Manhattan, Tenth Manhattan, First Nassau, Second Nassau, First Queens, Second Queens, Richmond, Suffolk, First Westchester-Putnam, Second Westchester-Putnam; (B) The MID-STATE REGION, which shall be composed of the Lodges in the following Districts: Broome-Chenango, Cayuga-Tompkins, Chemung-Schuyler-Tioga, Cortland-Madison, Franklin-Hamilton, Herkimer, Jefferson, Jefferson-Lewis, First Oneida, Second Oneida, First Onondaga, Second Onondaga, Oswego, First St. Lawrence, Second St. Lawrence; (C) The HUDSON-CHAMPLAIN REGION, which shall be composed of the Lodges in the following Districts: Albany, Clinton, Columbia, Delaware, Dutchess, Essex, Fulton-Montgomery, Greene-Ulster, Orange-Rockland, Otsego-Schoharie, Rensselaer-Schenectady, Saratoga-Warren, Sullivan, Washington; (D) The WESTERN REGION, which shall be composed of the Lodges in the following Districts: Allegany, Cattaraugus, Chautauqua, First Erie, Second Erie, Third Erie, Genesee-Wyoming, Livingston, First Monroe, Second Monroe, Niagara-Orleans, Ontario-Seneca-Yates, Steuben, Wayne.

When the Grand Master shall be chosen from the Metropolitan Region, 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 Metropolitan Region, the Deputy Grand Master shall be chosen from that Region. The Senior Grand Warden and the Junior Grand Warden shall be chosen from some part of the State other than the Metropolitan Region. The Grand Treasurer and Grand Secretary shall be chosen from the Metropolitan Region. Membership in a Lodge in a particular Region for at least one year immediately preceding such election shall be controlling in respect to the provisions of this subsection.

SEC. 111. The following officers, namely: A Grand Marshal, Deputy Grand Marshal, Senior Grand Deacon, Junior Grand Deacon, Grand Standard Bearer,

Deputy Grand Standard Bearer, Grand Historian, Grand Lecturer, Judge Advocate, Proctor, Grand Pursuivant, Grand Tiler, a District Deputy Grand Master for each Masonic District, twenty-two Grand Chaplains and such additional Grand Chaplains not exceeding twenty as the Grand Master may deem advisable, twenty-one Grand Directors of Ceremonies, twenty-two Grand Stewards, and twenty-two Grand Sword Bearers, shall be appointed by the Grand Master at the Annual Communication, or within thirty days after the close thereof, to hold office during his pleasure or until their successors are appointed.

The Grand Master may, in his discretion, from time to time, appoint District Grand Masters in districts in which District Grand Lodges are established, who shall hold office during his pleasure or until their successors are appointed.

SEC. 112. The title of the Grand Master shall be "Most Worshipful" and the remaining Grand Officers, including the Commissioners of Appeals, the Trustees of the Masonic Hall and Asylum Fund, the members of the Masonic Medical Research Laboratory, the Trustees of the Robert R Livingston Library of Grand Lodge, the Judge Advocate and Proctor, the Grand Pursuivant and the Grand Tiler shall be "Right Worshipful".

SEC. 113. The Grand Master shall have power:

1. To preside in the Grand Lodge.
2. To exercise all the executive and judicial functions of the Grand Lodge when it is not in session.
3. To nominate and appoint Grand Officers and Committees.
4. To convene any Lodge within the jurisdiction, open and close the same, preside therein, inspect its proceedings, and require its conformity to Masonic law.
5. To require the attendance of, and information from, any Grand Officer respecting his office.
6. To suspend any elected officer of a Lodge from the functions of his office for just cause.
7. To suspend the charter of any Lodge until the next Annual Communication of the Grand Lodge.
8. In case of vacancies in the office of Master and Wardens of a Lodge, to grant a dispensation for an election to fill such vacancies.
9. 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.
10. To grant a dispensation for a new Lodge, under the restrictions of these Constitutions.
11. To grant such other dispensations as may be applied for in accordance with these Constitutions.
12. 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; provided, however, that

no brother shall be received and accredited as the Representative of more than one Grand Lodge at the same time, and that, whenever a Representative shall fail to attend the Communications of the Grand Lodge for two consecutive years, or for any reason it may be expedient, the Grand Master may request that a new appointment be made.

13. To withdraw from the "Trustees of the Masonic Hall and Asylum Fund", or from the Grand Treasurer, such sums of money as are by him required for the relief of brethren in this jurisdiction or in sister Grand Lodge jurisdictions in times of calamity and disaster.
14. To do such other things as are inherent in and pertain to his office and are not in conflict with these Constitutions.

SEC. 114. In case of death, absence, or disability of the Grand Master, or of a vacancy in his office, the Deputy Grand Master, Senior Grand Warden and Junior Grand Warden shall, in succession, assume his duties, powers and prerogatives for all purposes.

SEC. 115. The Deputy Grand Master shall have power to discharge such executive and judicial functions of the Grand Lodge as may be delegated to him by the Grand Master and such duties as may be imposed by these Constitutions.

SEC. 116. 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.

SEC. 117. It shall be the duty of the Grand Treasurer:

1. To give vouchers for all moneys of the Grand Lodge received by him from the Grand Secretary and to deposit all such moneys in the name of the Grand Lodge, payable on his order as Grand Treasurer, in some depository or depositories approved by the Grand Master.
2. To pay all orders, duly drawn under the Constitutions, Laws or special direction of the Grand Lodge and certified by the Grand Secretary.
3. To pay all orders drawn upon him by the Grand Master for the relief of brethren in this jurisdiction or in sister Grand Lodge jurisdictions in time of calamity and disaster.
4. To attend upon the Grand Lodge, when required, with the books and all documents relating to his office, and upon the Grand Master or any committee whose duty it may be to act in relation to the fiscal concerns of the Grand Lodge.
5. To report annually to the Grand Lodge the amount of his receipts and expenditures by items, from whom and when received, and to whom and when paid.
6. At the commencement of each term of office to execute and file with the Grand Secretary an official bond in an amount and form, and with sureties to be approved by the Grand Master, conditioned that he will pay and deliver on demand to the Grand Lodge or to the "Trustees of

the Masonic Hall and Asylum Fund", either in its corporate capacity or to its members as Trustees of the Permanent Fund, as the case may be, or otherwise required by these Constitutions or the Grand Lodge, all funds and property that shall come into his hands as such Grand Treasurer, and that upon the expiration of his term of office he will well and truly account for and pay and deliver to his successor, or as the Grand Lodge shall direct, all moneys, books, writings and property of the Grand Lodge in his possession or under his control, or that shall have come into his hands as such Grand Treasurer and remain unexpended, with all proper assignments. Failure to give such bond within thirty days after election shall be deemed a declination of the office unless the time therefor be extended by the Grand Master.

7. At the expiration of his term of office well and truly to account for and pay and deliver to his successor, or as the Grand Lodge shall direct, all moneys, books, writings and property of the Grand Lodge in his possession or under his control, or that shall have come into his hands as such Grand Treasurer and remain unexpended, with all proper assignments thereof.

SEC. 118. It shall be the duty of the Grand Secretary:

1. To record the transactions of the Grand Lodge.
2. To register all initiates and affiliates 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 certify or attest all instruments from the Grand Lodge.
5. To receive and keep a proper account of all moneys of the Grand Lodge payable to him, with date of their receipt, and to pay over the same promptly to the Grand Treasurer, taking his receipt.
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, 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.
8. To attend, with any books, papers or writings under his control, or in his custody, all meetings of the Grand Lodge and also to attend upon the 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 Sundays and Legal Holidays, and except Saturdays on which latter day his office shall be open from nine a.m. until noon, unless otherwise ordered by the Grand Master.

10. To transmit to the several Grand Lodges, in correspondence with this Grand Lodge, a certificate of the election of Grand Officers, immediately thereafter, under the seal of the Grand Lodge.
11. To notify the Lodges in each Masonic District of the appointment of a District Deputy Grand Master and a Staff Officer for that District and to furnish each District Deputy Grand Master with a list of the Lodges in the District and blank forms for the annual statement of District Deputy Grand Masters.
12. To prepare and forward to each Lodge annually blanks for returns of membership, returns of election of officers, and tabular statements to District Deputy Grand Masters. Also to prepare and furnish, when required, blanks for the election of Proxies.
13. To keep an Alphabetical Register of all rejections officially reported to him from Lodges, specifying the date of such rejection, the age, occupation, nativity and residence of the person rejected, 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.
14. At the commencement of each term of office to execute and file with the Grand Master an official bond in an amount and form and with sureties to be approved by the Grand Master, conditioned that he will pay over promptly to the Grand Treasurer all moneys of the Grand Lodge received by him and that he will at the expiration of his term deliver to his successor in office, or such person as shall be designated by the Grand Lodge, all books, writings and property of the Grand Lodge under his control with proper assignments. Failure to give such bond within thirty days after election shall be deemed a declination of the office unless the time therefor be extended by the Grand Master.

SEC. 119. The accounts of the Grand Treasurer, Grand Secretary, Trustees of the Masonic Hall and Asylum Fund, Masonic Medical Research Laboratory, Chancellor Robert R Livingston Library, Masonic Brotherhood Foundation, and the Tappan Washington Memorial Corporation shall be examined by the Committee on Finance appointed pursuant to the Rules of Order, who shall make report to the Grand Master and to the Grand Lodge at each Annual Communication. The said Committee shall have the power to employ an accountant and with the consent of the Grand Master, draw upon the Grand Treasurer for the compensation for his services.

SEC. 120. 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.

SEC. 121. Each District Deputy Grand Master shall have power and it shall be his duty:

1. To visit officially every Lodge in his District at least once during his term, if practicable; and all necessary expenses incurred by him, while in the discharge of his duty, shall be paid by the Lodge so visited.
2. To preside in each Lodge upon the occasion of his official visit; 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 discover 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 unaffiliated for non-payment of dues, shall be restored; 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 judges it expedient, specially to report the same to the Grand Master.
3. To take possession of the funds and property of any dormant or extinct Lodge in his District and transfer the same to the Grand Secretary.
4. 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 31st day of December and transmit such report to the Grand Secretary on or before the 15th day of April, to be by him laid before the Grand Lodge.
5. To prepare a report, for the year ending on the first day of April, of the general condition of Masonry in his District, and of his acts therein, with such particulars as he may deem necessary, including the names and numbers of the Lodges in his District not visited by him, together with the reasons therefor, and transmit such report to the Grand Master on or before the 15th day of April.
6. To perform such other services and duties as may be deputed or intrusted to him by the Grand Master or by the Grand Lodge.

SEC. 122. It shall be the duty of the Grand Chaplains to attend the Grand Lodge and to conduct its religious services and to attend upon the Grand Master and officiate at public and private functions when designated so to do, for which services the necessary disbursements shall be paid.

SEC. 123. 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 Masonic District subject to the approval of the Grand Master.

The Grand Lecturer shall also have the power to appoint one Regional Assistant Grand Lecturer as an assistant to the Grand Lecturer in each Masonic Region, subject to the approval of the Grand Master.

It shall be the duty of the Grand Lecturer and his assistants to impart the Standard Work and Lectures approved by the Grand Lodge to the Lodges or brethren in this jurisdiction, in such manner as the Grand Lodge may prescribe, and to hold annual conventions for the exemplification of the Standard Work in all of the Masonic Districts in the State.

It shall be also the duty of the Grand Lecturer to prepare any book, booklet, document or paper in Cipher Form giving The Standard Ritualistic Work as established by Grand Lodge under the supervision and with the approval of the Custodians of the work.

The Custodians of the Work shall have general administrative authority over all the duties and functions of the Grand Lecturer and his Assistants.

SEC. 124. It shall be the duty of the Grand Marshal, Deputy Grand Marshal, Grand Deacons, Grand Standard Bearer, Deputy Grand Standard Bearer, Grand Stewards, Grand Directors of Ceremonies, Grand Sword Bearers, Grand Historian, Grand Pursivant and Grand Tiler to perform such duties as pertain to their offices.

SEC. 125. The Commission of Appeals shall consist of a Chief Commissioner, who shall preside in said Commission, and six Commissioners, all of whom shall be Masters or Past Masters in good Masonic standing, and when duly nominated by the Grand Master and confirmed by the Grand Lodge shall hold their office for three years.

Two Commissioners shall be nominated for confirmation at each Annual Communication and every third year, in like manner, the Chief Commissioner shall be selected. They shall consider appeals in accordance with the Regulations of the Grand Lodge and the Code of Procedure.

A vacancy in the Commission of Appeals, occurring when a Grand Lodge is not in session, may be filled by appointment by the Grand Master until the succeeding Annual Communication of the Grand Lodge.

SEC. 126. The Judge Advocate and the Proctor shall each be a Master or Past Master in good standing and each such officer shall be a duly licensed attorney and counselor at law of the State of New York in good standing and shall be appointed by, and hold office during the pleasure of, the Grand Master. The Judge Advocate shall be legal adviser to the Grand Master, with such duties as the Grand Master may prescribe.

The Proctor shall perform such duties as are prescribed by the Code of Procedure. The Grand Master shall also appoint for each of the Regions described in Section 110 a Regional Deputy Proctor who shall possess the same qualifications as the Proctor, and who shall hold membership in a Lodge in the Region for which he is appointed, as the same is defined in the last sentence of Section 110. When the circumstances of volume of pending cases shall necessitate the same, the Proctor shall in his discretion assign any pending case, but only prior to the actual commencement of trial thereof, to the Regional Deputy Proctor in whose jurisdiction the same is pending, and such Regional Deputy Proctors

shall perform all the duties and possess all of the authority of the Proctor in respect thereof until final disposition of such case. In no event shall a Regional Deputy Proctor be assigned outside of his own region. When so assigned, the Regional Deputy Proctor will be reimbursed for his reasonable and necessary expenses incurred by reason thereof upon certification of the same by the Proctor.

SEC. 127. 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 as shall be prescribed by the Grand Lodge or Grand Master, under the provisions of these Constitutions.

SEC. 128. Whenever a vacancy shall occur in any Grand Office the Grand Master may appoint any Master or Past Master to discharge the duties of the office till the vacancy shall be filled at the next Annual Communication.

SEC. 129. The Grand Treasurer, Grand Secretary, Proctor, 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. In the computation of time relative to salaries of said officers, the year shall be considered as commencing on the first day of May and such salaries shall be payable in equal bi-weekly installments.

SEC. 130. The Representative of each Lodge, upon filing with the Grand Secretary a statement of his actual expenses for attending any Communication of Grand Lodge, duly certified by him to be correct and accompanied by such vouchers as he may have available, shall be entitled to receive reimbursement of such actual expenses in a sum not exceeding twenty-five dollars for each day of the duration of such Communication and ten cents for each mile necessarily traveled by him in going to and from the place duly designated as the site of the (Grand Lodge) Communication and the place of meeting of his Lodge. No Representative shall receive more than the amount of the dues paid by the Lodge he represents, provided, however, that a Representative shall be entitled to draw reimbursement against two years' Grand Lodge dues paid by his Lodge, if the Lodge was not represented the preceding year, and he shall be entitled to draw against three years' Grand Lodge dues paid by his Lodge if the Lodge was not represented in the two preceding years.

SEC. 131. Grand Officers, who do not receive salaries as such, and Past elected and installed Grand Officers enumerated in Sec. 109 of these Constitutions, the Commissioners of Appeals, the Judge Advocate, the Trustees of the Masonic Hall and Asylum Fund, and members of Standing Committees and of Special Committees appointed by authority of the Grand Lodge, shall be entitled to like reimbursement, provided they shall not have received reimbursement as a Representative.

SEC. 132. Absence of a member of the Grand Lodge before the close of any Communication, for any cause except sickness of or calamity to himself or his

family, shall forfeit all claims to payment or compensation under the two preceding sections.

SEC. 133. Subject to such Rules and Regulations for its conduct and government as the Grand Lodge may from time to time establish, the Grand Master may, in his discretion, direct the formation of District Grand Lodges with jurisdiction over Lodges located outside of the State of New York. The duties, powers and authority of a District Grand Master shall be such as the Grand Lodge, from time to time, may determine, except, however, that they shall not exceed the ancient customs and usages of the Fraternity with respect to District Grand Masters.

REGULATIONS GOVERNING DISTRICT GRAND MASTERS AND DISTRICT GRAND LODGES

INSTALLATION

1. The District Grand Master shall, as soon as convenient after his appointment, summon the District Grand Lodge to meet for the purpose of his installation.

VACANCY IN OFFICE OF DISTRICT GRAND MASTER

2. In case of the death, resignation, removal, suspension, absence or disability of the District Grand Master, the Deputy District Grand Master, Senior District Grand Warden, and Junior District Grand Warden shall, in succession, assume his duties, powers and prerogatives for all purposes.

DISTRICT GRAND LODGE

3. A District Grand Lodge consists of the District Grand Master, Past District Grand Masters, District Grand Officers, Officers and Permanent Members of the Grand Lodge of Masons in New York who may be present in the District, Past Deputy District Grand Masters, Past District Grand Wardens, and the Masters and Wardens of all Lodges in the District.

DISTRICT GRAND OFFICERS

4. The District Grand Master is empowered to appoint for his District the following District Grand Officers and such others and such committees as may be necessary or desirable for the satisfactory conduct of the affairs of Masonry in his District appertaining to the Grand Lodge of New York, whose duties shall be such as are performed by officers of like title in the Grand Lodge:

A Deputy District Grand Master
A District Senior Grand Warden
A District Junior Grand Warden
A District Grand Secretary
Four District Grand Chaplains
A District Grand Marshal

A District Grand Lecturer
 A District Grand Senior Deacon
 A District Grand Junior Deacon
 A District Grand Senior Steward
 A District Grand Junior Steward
 A District Grand Sword Bearer
 A District Grand Standard Bearer
 Two District Grand Pursuivants
 A District Grand Tiler.

DISTRICT GRAND TREASURER

5. The District Grand Lodge shall elect a District Grand Treasurer annually, by whom a regular account of the receipts and disbursements shall be kept. He shall be ex-officio Treasurer of the Board of Trustees of the charity funds. His account must be produced at the Annual Meeting of the District Grand Lodge and audited once in each year, and a copy thereof transmitted to the Grand Master.

NOTICE IN RE DEPUTY DISTRICT GRAND MASTER

6. The District Grand Master must transmit, in writing, the name and place of abode of his Deputy to all the Lodges in his District, and also to the Grand Secretary, within one month of the appointment.

NOTICE IN RE DISTRICT GRAND OFFICERS

7. Names, addresses and Lodges of all District Grand Officers shall be transmitted to the Grand Secretary by the District Grand Secretary, within one month of election or appointment. The District Grand Officers must all be residents within the Districts, unless the Grand Master grants a Dispensation for non-residence.

QUALIFICATIONS OF DISTRICT GRAND OFFICERS

8. No Brother can be appointed a Deputy District Grand Master or District Grand Warden unless he be the Past Master of a Lodge; nor a District Grand Deacon unless he be a Past Warden of a Lodge.

SUMMONS

9. The District Grand Master may summon the Officers of any Lodge within his District to attend him, and to produce the Charter, books, papers and accounts of the Lodge, or he may summon any Brother within his District to attend him and produce his certificate. If the summons be not complied with or a sufficient reason be not given for non-compliance, a peremptory summons shall be issued; and in case of contumacy, the Lodge or Brother may be suspended, and the proceeding notified to the Grand Lodge or the Grand Master.

DISCIPLINE

10. The District Grand Master shall hear and determine all subjects of Masonic complaint or irregularity, respecting Lodges or individual Masons, within his Province or District, and may proceed to admonition, or suspension. The power of summons is an incident to this power and applies to the Brethren complained against as well as to witnesses. A minute of the proceedings, stating the offense and the law applicable to it, together with the decision, is to be transmitted to the Grand Master.

EXPULSION

11. The District Grand Master has no power to forfeit the Charter of a Lodge or expel a Mason; when, therefore, the case is of so flagrant a nature as, in his judgment, to require the forfeiture of the Charter of a Lodge, or the expulsion of a Brother, it shall be proceeded with in the method provided in the Constitutions of the Grand Lodge.

RECORD OF DISTRICT GRAND LODGE

12. The District Grand Master holding his office at the pleasure of the Grand Master, and the power of the Deputy as well as of District Grand Lodge emanating from the authority vested in the District Grand Master, he or his Deputy must be responsible that the District Grand Lodge does not exceed its lawful powers. He is, therefore, to cause correct minutes to be kept of all its proceedings, and to produce them to the Grand Master or the Grand Lodge when required, sending to the Grand Master at least once a year a duplicate thereof.

REPORT OF DISTRICT GRAND MASTER

13. The District Grand Master shall annually transmit to the Grand Master, so as to be received at least thirty days prior to the Annual Communication of Grand Lodge, a circumstantial account, in writing, of his proceedings, and of the state of Masonry within his District for the year ending December thirty-first preceding.

RANK

14. District Grand Officers, present or past, other than the District Grand Master, do not take any rank out of their District. They are, however, entitled to wear their clothing as District Grand Officers, or past District Grand Officers in all Masonic meetings.

MEETINGS OF DISTRICT GRAND LODGE

15. District Grand Lodges shall fix stated times for their regular meetings, not exceeding four times in the year, but the District Grand Master may summon and hold a special District Grand Lodge whenever, in his judgment, it may be necessary. The particular reason for calling such special District Grand

Lodge shall be expressed in the summons, and no other business shall be entered upon at that meeting.

BY-LAWS OF DISTRICT GRAND LODGE

16. The District Grand Lodge may frame By-Laws for its own government, and may make Regulations for the guidance of the particular Lodges of the District, provided that none of these be contrary to, or inconsistent with, the Constitutions of this Grand Lodge and the principles of Masonry, but such By-Laws and Regulations shall not be valid until submitted to and approved by the Grand Master.

REGULATIONS

17. The proceedings and decisions of District Grand Lodges, and of their Committees shall in all cases be strictly governed and controlled by the Constitutions of this Grand Lodge and the principles of Masonry.

PROXIES

18. A Lodge may, at a Stated or Special Communication, by a majority vote, elect one of its members who is a Past Master as proxy to represent it, in the absence of its Master and Wardens, at the next succeeding Communication of the District Grand Lodge. Such proxy shall not be permitted to act as representative in the District Grand Lodge unless there shall have been filed with the District Grand Secretary prior to the opening of the District Grand Lodge, a certificate of his election, attested by the seal and signature of the Secretary, provided that during the presence of the Master or a Warden, any proxy given by the Lodge for that purpose is superseded.

DISPENSATIONS

19. District Grand Masters are hereby granted a power of Dispensation in the following cases:

(a) To form in public procession for the purpose of conducting Masonic funeral processions and burial services.

(b) To form in public procession for the purpose of attending Divine Worship.

(c) To form in public procession for the purpose of performing any other strictly Masonic Service; never, however, upon other than a Masonic occasion.

(d) To hold regular and business meetings of a Lodge on other days than those called for by its By-Laws.

(e) In case of necessity, to elect officers of a Lodge on another day than the Annual Meetings.

(f) To continue Lodge functions pending replacement of a Charter which has been lost or destroyed.

(g) In cases of necessity, to hold meetings of a Lodge in another place than that named in the Charter.

A District Grand Master forthwith upon granting a Dispensation shall transmit to the Grand Master a report thereof. A District Grand Master shall require a return upon each Dispensation, and when such return is received, shall immediately transmit a copy thereof to the Grand Master.

DISTRICT GRAND MASTER MAY PRESIDE

20. The District Grand Master may preside in any Lodge he visits within his District.

DEPUTY DISTRICT GRAND MASTER MAY PRESIDE

21. Unless the District Grand Master be present, his Deputy may preside in any Lodge he may visit within his District.

DISTRICT GRAND MASTER MAY DEPUTIZE

22. The District Grand Master may send any of his District Grand Officers, present or past, to visit any Lodge in his Province or District whenever he may think fit so to do.

RETURNS

23. Returns of all Lodges within the Jurisdiction of a District Grand Lodge shall be made to the Grand Lodge, transmitted through the District Grand Masters, in the same manner as Returns made by home Lodges, and upon blanks printed by the Grand Lodge for the purpose. In addition to the Returns so furnished for the Grand Lodge, there shall be a Return made as prescribed by the District Grand Master for the use of the District Grand Lodge.

CHAPTER II

TRUSTEES OF THE MASONIC HALL AND ASYLUM FUND

SECTION 200. The "Trustees of the Masonic Hall and Asylum Fund," organized in accordance with Chapter 272 of the Laws of New York, passed April 21, 1864 entitled "An Act to incorporate the Trustees of the Masonic Hall and Asylum Fund," and the several acts amendatory thereof or supplemental thereto, shall consist of nine 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 residents of said State, to be elected upon nomination of the Grand Master at the Annual Communication of said Grand Lodge as vacancies may occur, provided, however, that no officer of the Grand Lodge shall be eligible to the office of Trustees; and that no such Trustee shall be eligible to any office in the Grand Lodge. 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 Trustees shall be declared vacant by the Grand Master. At each Annual Communication of the Grand Lodge a Trustee, or Trustees, shall be nominated and elected to fill such

vacancy or vacancies as may occur by expiration of term, whose term of office shall be for the period of three years from the date of such election. The Grand Master shall cause his nominations of Trustees to be inserted in the usual notification of the Annual Communication of the Grand Lodge. In the event of such nominations not being ratified by election at such Annual Communication, the Grand Master shall immediately present to the Grand Lodge other nominations for Trustees. Should a vacancy occur in the office of Trustee, for any other cause than the expiration of the term of office of said Trustee, such vacancy shall be filled by appointment by the Grand Master, such Trustee to hold office until the next Annual Communication of the Grand Lodge, when a Trustee shall be nominated and elected for the unexpired term.

SEC. 201. The said "Trustees of the Masonic Hall and Asylum Fund" shall elect one of its number as President, one as Vice-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.

Whenever said Grand Lodge is not in session, the said Trustees shall, upon the request of the Grand Master, render to him a full and detailed report in writing of and concerning any and all of their acts and transactions, and the books, papers and records of said Trustees shall at all times be open to examination by the Grand Lodge, the Grand Master or any Committee of Members of the Grand Lodge which he or it may appoint. Whenever the Grand Lodge is not in session, the Grand Master may, by a written order, suspend any Trustee from office, and appoint a person qualified as required by this act, to perform his duties, and such person shall possess all the powers and discharge all the duties of said Trustee. No such suspension shall be made except for cause, nor until after an opportunity shall have been given the Trustee affected thereby to be heard with regard thereto; such suspension shall continue in force until acted upon by the Grand Lodge at its next succeeding Annual Communication and no longer. The Grand Lodge may at any Annual Communication, and for such cause as it shall consider sufficient, remove from office any Trustee elected pursuant to this act, and upon so doing, shall fill the vacancy thus created by election for the unexpired term.

SEC. 202. The "Trustees of the Masonic Hall and Asylum Fund", in its corporate capacity, is vested with the title to the real estate of the Fraternity in this jurisdiction and empowered to build and maintain a Masonic Hall in the City of New York, and out of the funds derived from the rent or income thereof, or other sources, to build and maintain an Asylum or Asylums, a home or homes, a school or schools, for the free education of the children of Masons, and for the relief, support and care of worthy and indigent Masons, their wives, widows and orphans.

It is empowered to borrow money for the improvement and development of the real estate and to issue bonds or other evidences of indebtedness and property to secure the same on such real estate or otherwise.

SEC. 203. The persons who shall from time to time comprise the "Trustees of the Masonic Hall and Asylum Fund" shall be, and hereby are, constituted the Trustees of the Permanent Fund. All investments, securities and title papers thereof shall remain in the custody of the "Trustees of the Masonic Hall and Asylum Fund," whose duty it shall be to take the best measures for the security and increase thereof and to invest the same from time to time as they may decide.

The Permanent Fund shall consist of such moneys as remain therein at the time of the adoption of these Constitutions, together with such additional sums as Grand Lodge may from time to time by appropriation add thereto. No appropriation shall be made therefrom without a vote of the Grand Lodge at an Annual Communication, had upon a resolution for such appropriation, which resolution shall state in detail the object and precise amount of the proposed expenditure and shall not be acted upon until at least one day after it has been introduced and read.

SEC. 204. The net revenue derived by such "Trustees of the Masonic Hall and Asylum Fund" from the real property of the Fraternity and not required for the payment of fixed charges and other expenses of management of the same and for the maintenance of the Home shall create a Sinking Fund for the retirement of charges upon such property and to meet obligations connected therewith, and shall not be used for any other purpose without a vote of the Grand Lodge.

SEC. 205. The "Trustees of the Masonic Hall and Asylum Fund" is authorized and empowered to call in, collect and satisfy, sell, assign, hypothecate, pledge, redeem, re-hypothecate, and repledge any mortgage or mortgages or other securities now in the name or custody of the "Trustees of the Masonic Hall and Asylum Fund" (not part of the Permanent Fund hereafter held by the persons who shall from time to time comprise the Trustees of the Masonic Hall and Asylum Fund, as the Trustees of the Permanent Fund), and to apply the proceeds of any sale thereof, or loan or loans obtained and secured therewith, to the improvement or maintenance, or both, of any real estate of the Fraternity, and to execute any and all necessary instruments, documents, and papers by such officer or officers or members of said "Trustees of the Masonic Hall and Asylum Fund" as it shall designate. In the absence or disability of any designated officer or officers of said "Trustees of the Masonic Hall and Asylum Fund" any other member or members thereof may be appointed by said Trustees to act temporarily in place of and with the power of the absent or disabled officer.

SEC. 206. All funds heretofore or hereafter accepted by the Grand Lodge for special purposes or special trusts shall be paid over to the "Trustees of the Masonic Hall and Asylum Fund" unless the Grand Lodge shall otherwise direct. No appropriation from any of such special or trust funds shall be made by the Trustees other than for the purpose for which such Special or Trust Fund was created, or if the purpose is not defined, without a vote of the Grand Lodge at

an Annual Communication. Separate accounts shall be kept by the Trustees of the various funds in their custody and control.

SEC. 207. The Treasurer of the "Trustees of the Masonic Hall and Asylum Fund" at the commencement of each term of office shall execute and file with the Grand Master an official bond, in an amount and in form, and with sureties to be approved by the Grand Master, conditioned that he will pay or deliver to said Trustees, on their demand or as they shall direct, all funds and property which shall come into his hands as such Treasurer, and that upon the expiration of his term of office as such Treasurer he will account for and pay, or deliver, to said Trustees, or to his successor, all funds and property that shall have come into his hands as such Treasurer and remain unexpended.

SEC. 208. All moneys of the Grand Lodge paid to the "Trustees of the Masonic Hall and Asylum Fund" shall be deposited in some depository or depositories approved by the Grand Master, and be drawn out only by check of the Treasurer of said Trustees, countersigned by the President or Vice-President, or during the absence or disability of either, or both, of such officers by the substituted officer or officers pro tem.

CHAPTER II-A

MASONIC MEDICAL RESEARCH LABORATORY (formerly Masonic Foundation for Medical Research and Human Welfare)

SEC. 250. Masonic Medical Research Laboratory, hereinafter called the "Laboratory" organized pursuant to Article II of the Membership Corporations Law of the State of New York, shall consist of fifteen 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. No elective officer of Grand Lodge, while holding such elective office, shall be eligible for election as a Member of the said Laboratory and no such Member of the Laboratory shall be eligible to any elective office in the Grand Lodge. If any such Member of the Laboratory shall cease to be a member of a Lodge under the jurisdiction of Grand Lodge as aforesaid, his place as Member of the Laboratory shall be declared vacant by the Grand Master. At the 1949 Annual Communication of Grand Lodge, there shall be elected upon nomination of the Grand Master nine Members of the Foundation to serve for the following terms: Three to serve one year, three to serve two years and three to serve three years, and at each Annual Communication of said Grand Lodge thereafter Members of the Laboratory shall be nominated by the Grand Master and elected to fill such vacancies as may occur by expiration of term, whose term shall be for the period of three years from the date of such election. The Grand Master shall cause his nominations of Members of the Laboratory to be inserted in the usual notification of the Annual Communication of the Grand Lodge. In the event of such nominations not being ratified by election at such Annual Communication, the Grand

Master shall immediately present to the Grand Lodge other nominations for Members of the Laboratory. Should a vacancy occur in the Membership of the Laboratory for any other cause than the expiration of the term of office of a Member of the Laboratory, such vacancy shall be filled by appointment by the Grand Master, such Member to hold office until the next Annual Communication of the Grand Lodge, when a Member shall be nominated and elected for the unexpired term.

SEC. 251. Whenever said Grand Lodge is not in session, the Members of the Masonic Medical Research Laboratory shall, upon the request of the Grand Master, render to him a full and detailed report in writing of and concerning any and all of their acts and transactions, and the books, papers and records of said Members of the Laboratory shall at all times be open to examination by the Grand Lodge, the Grand Master or any Committee or Members of the Grand Lodge which he or it may appoint. Whenever the Grand Lodge is not in session, the Grand Master may, by a written order, suspend any Member of the Laboratory from office, and appoint a person qualified as required by the aforesaid Section 250, to perform his duties, and such person shall possess all the powers and discharge all the duties of said Member of the Laboratory. No such suspension shall be made except for cause, nor until after an opportunity shall have been given the Member of the Laboratory affected thereby to be heard with regard thereto; such suspension shall continue in force until acted upon by the Grand Lodge at its next succeeding Annual Communication and no longer. The Grand Lodge may at any Annual Communication, and for such cause as it shall consider sufficient, remove from office any Member of the Laboratory and upon so doing, shall fill the vacancy thus created by election for the unexpired term.

CHAPTER II-B

MASONIC WAR VETERANS OF THE STATE OF NEW YORK, INC.

SEC. 275. The governing body of Masonic War Veterans of the State of New York, Inc., a corporation organized under the auspices of this Grand Lodge on December 14, 1948, pursuant to the Membership Corporation Law of the State of New York, shall consist of nine Directors 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. If any such Director shall cease to be a member of a Lodge under the jurisdiction of Grand Lodge, as aforesaid, his place shall be declared vacant by the Grand Master.

SEC. 276. The Board of Directors of Masonic War Veterans of the State of New York, Inc., is and shall be empowered to Charter subordinate Posts of such Organization, upon such terms and conditions as it may, from time to time establish, to consist exclusively of persons who are (a) members in good standing in constituent Lodges of this Grand Lodge, or of some other Grand Jurisdiction with which this Grand Lodge is in Masonic affiliation and (b) were regularly enlisted, drafted, inducted or commissioned and who, at any time in the past

were, or hereafter shall be, accepted into and serve in the Army, Coast Guard, Marine Corps, Air Force, Merchant Marine, or any other federal armed force that, by federal law or regulation or by the laws of the State of New York may be accorded veteran status. The eligibility status defined by the foregoing sentence shall apply whether service was active or reserve, and shall also apply to those who, being nationals of any other country in alliance, whether formal or informal, with the United States, participated in military or naval activity pursuant thereto against a common enemy.

No applicant for membership in Masonic War Veterans shall be eligible for such membership after separation from the service, should that separation have been or be under conditions other than honorable, and any member thereof, continuing in military, naval, or air service shall be subject to the same restrictions on continuance of membership in Masonic War Veterans.

SEC. 277. Any Post Charter which shall, at any time, have been granted pursuant to the authorization contained in Section 276, may be suspended by the Commander General of Masonic War Veterans of the State of New York, Inc., with the approval of a majority of the Executive Committee of the Board of Directors, by a majority vote of the Board of Directors or by the Grand Master. It may be revoked by the vote of a majority of the Board of Directors or by the Grand Master.

SEC. 278. At each Annual Communication of Grand Lodge, there shall be elected upon nomination of the Grand Master, five members of the Board of Directors, to serve for one year and until their respective successors shall have been elected and qualify. The remaining four Directors shall be elected by the Posts or their representatives from among their membership during the month of May in each year, provided, however, that no more than one Director shall thus be elected from any single Post. The Grand Master shall cause his nominations of five Directors to be inserted in the annual notification of the Annual Communication of the Grand Lodge. In the event of such nominations not being ratified at such Annual Communication, the Grand Master shall immediately present to the Grand Lodge other nominations for Directors. Should a vacancy occur in the Directors for any cause other than the expiration of the term of office of a Director, such vacancy may be filled by election by a majority vote of the remaining Directors in office and the written approval of the Grand Master, but no such election shall be effective until such approval has been received. Any successor Director thus elected and approved, shall hold office for the unexpired portion of the Director whom he succeeds.

SEC. 279. Whenever said Grand Lodge is not in session, the Directors of Masonic War Veterans of the State of New York, Inc., shall, upon the request of the Grand Master, render to him a full and detailed report in writing of and concerning any and all of their acts and transactions, and the books, papers and records of said Masonic War Veterans of the State of New York, Inc., shall at all times be open to examination by the Grand Lodge, the Grand Master, or any Committee or Members of the Grand Lodge which he or it may appoint.

Whenever the Grand Lodge is not in session, the Grand Master may, by written order, suspend any Director of Masonic War Veterans of the State of New York, Inc., from office, and appoint a person qualified as required by the aforesaid Section 276, to perform his duties, and such person shall possess all the powers and discharge all the duties of said Director. No such suspension shall be made except for cause, nor until after an opportunity shall have been given the Director affected thereby to be heard with regard thereto.

CHAPTER II-C

TAPPAN WASHINGTON MEMORIAL CORPORATION

SEC. 285. The George Washington Masonic Shrine at Tappan, also known as the DeWint House National Historic Shrine, shall continue to be owned, maintained and governed by the Tappan Washington Memorial Corporation, granted a provisional charter June 22, 1934, and an absolute charter June 20, 1941 (by the Board of Regents of the University of the State of New York) whose officers shall be the Grand Master as President, the Deputy Grand Master as Vice President, the Grand Treasurer as Treasurer and the Grand Secretary as Secretary, by virtue of their respective Grand Lodge offices.

CHAPTER II-D

CHANCELLOR LIVINGSTON LIBRARY

SEC. 290. *The Chancellor Robert R Livingston Masonic Library of Grand Lodge*, hereinafter called the "Library", holding Absolute Charter Number 18,542 granted June 17, 1983, by the Board of Regents of the University of the State of New York for and on behalf of the State Education Department, shall consist of eighteen (18) Trustees 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 together with associates who shall be all the members of this Grand Lodge established as an Association Library, fifteen (15) of the Trustees to be elected upon nomination of the Grand Master at the Annual Communication of this Grand Lodge as vacancies may occur. At the 1987 Annual Communication there shall be elected on nomination of the Grand Master fifteen (15) members of the Association to serve as Trustees for the following terms: five to serve one year, five to serve two years, and five to serve three years; in addition to, and to possess the same powers and to discharge the same duties as, the fifteen Trustees so nominated and elected, the following three Grand Lodge officers, during their terms of office as such, shall, ex officio, also be Trustees: the Grand Master, the Deputy Grand Master, and the Grand Secretary; and at each Annual Communication thereafter Trustees of the Library shall be nominated by the Grand Master and elected to fill such vacancies as may occur by expiration of term, whose term shall be for the period of three years from the date of such elections. If any Trustee of the Library shall cease to be a member of a Lodge under the jurisdiction of the Grand Lodge, his place

as a Trustee shall be declared vacant by the Grand Master. Beginning with the 1987 Annual Communication the Grand Master shall cause his nominations of Trustees of the Library to be inserted in the usual notifications of the Annual Communication of the Grand Lodge. In the event of such nominations not being ratified by election at such Annual Communication, the Grand Master shall immediately present to the Grand Lodge other nominations for Trustees of the Library. Should a vacancy occur in the Board of Trustees of the Library for any cause other than the expiration of the term of office of a Trustee of the Library, such vacancy shall be filled by appointment by the Grand Master, such Trustee to hold office until the next Annual Communication of the Grand Lodge, when a Trustee shall be nominated and elected for the unexpired term.

SEC. 291. The said Trustees of the Library shall adopt by-laws not in conflict with the Constitutions of the Grand Lodge, and shall elect from their number such officers of the Library as such by-laws may provide.

The officers and Trustees of the Library shall make a full and detailed report of all the doings of the Library at each Annual Communication of the Grand Lodge.

Whenever the Grand Lodge is not in session, the said Trustees shall, upon the request of the Grand Master, render to him a full and detailed report in writing of and concerning any and all of their acts and transactions, and the books, papers and records of said Trustees shall at all times be open to examination by the Grand Lodge, the Grand Master, or any Committee of the members of the Grand Lodge which he or it may appoint.

Whenever the Grand Lodge is not in session, the Grand Master may, by a written order, suspend any Trustee from office, and appoint a person qualified to perform his duties, and such person shall possess all the powers and discharge all the duties of said Trustee. No such suspension shall be made except for cause, nor until after an opportunity shall have been given the Trustee affected thereby to be heard with regard thereto, such suspension to continue in force until acted upon by the Grand Lodge at its next succeeding Annual Communication and no longer.

The Grand Lodge may at any Annual Communication, and for such cause as it shall consider sufficient, remove from office any Trustee elected pursuant to this Chapter and, upon so doing, shall fill the vacancy thus created by election for the unexpired term.

SEC. 292. *The Chancellor Robert R Livingston Masonic Library of Grand Lodge*, until such time as it may be declared by the Grand Master to be self-sufficient and self-supporting, shall operate and be administered as the Grand Lodge Library and Museum is presently operated and administered.

SEC. 293. In the event of dissolution, all of the remaining assets and property of *Robert R Livingston Masonic Library of Grand Lodge* shall, after necessary expenses thereof, be distributed to such organization as shall qualify under Section 501(c)(3) of the Internal Revenue Code of 1954, as amended, or to

another organization to be used in such manner as in the judgment of a Justice of the Supreme Court of the State of New York will best accomplish the general purposes for which this organization was formed.

CHAPTER III

PARTICULAR LODGES

SECTION 300. A 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 by virtue of, and in accordance with, a charter or dispensation held under the authority of this Grand Lodge.

Sec. 301. The powers, duties and privileges of a chartered Lodge under this jurisdiction shall be such as are defined by its Charter, by the Constitutions of this Grand Lodge and the Ancient Landmarks.

1992 [Sec. 302. The Master, Senior Warden, Junior Warden, Treasurer and Secretary of a chartered Lodge must be chosen annually by ballot, and by a majority of votes, excluding blank ballots, at the first Stated Communication of such Lodge following the Annual Communication of Grand Lodge in May, summoned as required by the Charter, and be installed no later than June 30 by an actual Master or Past Master of a Lodge.

A Lodge may provide in its By-Laws for additional officers to be either elected or appointed.

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.

Sec. 303. Every member of a Lodge in good standing is entitled to one vote; provided, however, that a Lodge may enact and enforce a By-Law which will disfranchise a member, at an election of officers, for nonpayment of dues; but no such By-Laws shall disfranchise a member at any election, if his dues are paid up to the time the election is held.

Sec. 304. Membership in good standing in a Lodge is necessary to constitute eligibility, to office therein, except in case of a Tiler, who must be a member in good standing of some Lodge, but need not be a member of the Lodge for which he tiles. Every member is eligible to any office in the Lodge except that of Master.

Sec. 305. No member can be the Master of a chartered Lodge unless he has previously served as an installed Master or Warden, except at the constitution of a new Lodge.

Sec. 306. Officers re-elected must be installed after each election.

Sec. 307. A member of a Lodge may be installed by proxy, at the discretion

of the installing officer, in any office of which he has signified his acceptance, except that of Master.

SEC. 308. Previous to his installation the Master-elect of the Lodge must be put in possession of the secrets of the chair.

SEC. 309. The Master of a Lodge has power, and it shall be his duty:

1. To congregate the members of his Lodge upon any emergency.
2. To issue summons, which must be issued over his name, by his order, and attested by the written signature of the Secretary under the seal of the Lodge, and the original inserted in the Lodge minutes. A true copy of such summons must be served upon the brother summoned, either personally, or by mail through the Post Office to his address last known to the Secretary.
3. To see that the duties of the Secretary are faithfully and punctually performed and that all reports and returns are promptly made.
4. To discharge all the executive functions of the Lodge; and
5. To remove any appointed officer for cause deemed sufficient by the Master.

SEC. 310. In case of the absence or disability of the Master, or a vacancy in his office, the Senior and Junior Warden shall, in succession, succeed to his prerogatives and duties for all purpose, except such as pertain to the installation of officers. In the absence of the Master and Wardens, a Lodge cannot be opened except as herein provided.

SEC. 310-A. In the event of the disability of the Secretary of a Lodge or the Treasurer of a Lodge, the Master shall appoint an Acting Secretary or an Acting Treasurer as the case may be, to act during such disability with power to perform the duties of the office to which he is appointed.

SEC. 311. 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.

SEC. 312. It shall be the duty of the Treasurer of a Lodge:

1. To receive from the Secretary all money paid into the Lodge and give his receipt therefore.
2. To keep a just and regular account thereof; and
3. To pay money out by order of the Lodge when so certified by the Master and Secretary.

SEC. 313. It shall be the duty of the Secretary of a Lodge:

1. To record the proceedings of a Lodge, under the direction of the presiding officer.
2. To receive all money 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 and rejections.
5. To report immediately to the Grand Secretary the name, age, occupation, nativity and residence of every rejected candidate for initiation, with the date of such rejection.
6. To make a full and correct return to the Grand Lodge annually of all Entered Apprentices, Fellow Crafts and Master Masons made during the year for which the return is rendered, with the Lodge number, age, occupation, nativity, residence and dates of receiving such degrees; also of all affiliates during the year, with the Lodge number, age, occupation, nativity, residence, date of affiliation, and name, number and jurisdiction of the Lodge from which dimitted, together with full information as to all changes that occurred in the membership of the Lodge during the year, which return shall be made upon blanks furnished by the Grand Lodge, be certified to by the Secretary, approved by the Master and transmitted to the Grand Secretary before the 15th day of January in each year.
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 District Deputy Grand Master of the condition of the Lodge on the thirty-first day of December, in the form prescribed by the Grand Lodge, to be transmitted on or before the tenth day of April.
9. To report immediately to the Grand Secretary the pension of a member by the Lodge, stating the cause of such suspension, and immediately to report the lifting of a suspension of a member of the Lodge.
10. 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
11. To attest the official signature of the Master to all other Masonic documents when necessary.
12. To notify all rejected candidates of their rejection.
13. To transmit and to deliver to his successor in office all permanent records of the Lodge in his possession.

SEC. 314. The officers shall be subject, in all things relating to their official duties, to the direction of the Master or presiding officer.

SEC. 315. The jewels of the officers of Lodges shall be of silver or white metal; the color of their aprons shall be white, or white and blue, and with or without silver ornamentations, except as otherwise especially ordered or allowed by the Grand Lodge.

The Worshipful Master of a Lodge or a District Deputy Grand Master of a District may, only on dispensation granted by the Grand Master, permit the brethren of a Lodge or District to wear Masonic clothing and insignia in a dignified manner on such occasions as the Grand Master may deem appropriate. A request for granting such permission shall be made in writing to the Grand Master at least thirty days prior to the event, accompanied by full details and information of the occasion.

SEC. 316. Neither Master nor Wardens can resign, and every officer shall hold his office until his successor shall have been installed, unless his office becomes vacant, as provided in the next Section, or unless, while holding the office of Junior Warden of a Lodge, the holder thereof shall be elected and installed to fill a vacancy in the office of Senior Warden of such Lodge.

SEC. 317. A vacancy in office in a Lodge can only occur:

1. By death.
2. By resignation of other than Master or Wardens.
3. By election and installation of the holder of such office to fill another office in the Lodge, but this shall not apply to Master and Wardens except as provided in subdivision 4 of this Section.
4. By election and installation of the holder of the office of Junior Warden to fill a vacancy in the office of Senior Warden.
5. By expulsion, or by suspension for a time extending beyond the next annual election, or removal from office.
6. By unaffiliation in another Lodge, where the holder of such office is a member of two Lodges under Dual Membership.
7. By withdrawal from membership.

SEC. 318. A vacancy in an elective office, except that of Master, may be filled by ballot at any Stated Communication, summoned pursuant to Section 302 of the Book of Constitutions. A vacancy in an appointive office may be filled at any time. In case the offices of Master and Wardens become vacant, the Secretary shall immediately notify the Grand Master of that fact, who shall issue a dispensation to the District Deputy Grand Master of the District in which the Lodge is located, directing the assembling of the Lodge, the holding of an election to fill the vacancies and the installation of the officers. Pending the filling of the vacancy of either the Secretary or the Treasurer of a Lodge, the provisions of Section 310-A shall apply.

SEC. 319. A Lodge has full power and authority to enact By-Laws for its own government, in conformity to the Constitutions of this Grand Lodge and the principles of Masonry, and any By-Laws inconsistent therewith is void; provided, however, that no such By-Laws shall permit the annual dues of any member to be fixed at a less sum than is required to be paid by the Lodge to the Grand Lodge for each of its members.

SEC. 320. Every Lodge shall have a seal, and shall keep the following books, to wit:

1. A copy of the Constitutions of the Grand Lodge.
2. A Book of By-Laws, with the signatures of the members.
3. A Record Book of the proceedings of the Lodge.
4. A register containing the name of each Brother initiated in, or affiliated with, the Lodge consecutively numbered, his Grand Lodge number, his age, occupation, nativity and residence, with 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.
5. An alphabetical list of expulsions, suspensions and rejections.
6. Such books as may be necessary to present clearly the receipts and accounts of the Treasurer and Secretary.

SEC. 321. It shall be the duty of a Lodge to maintain and preserve as permanent records all minute books and other records of its proceedings, the book of By-Laws, records of money received and expended and the warrants drawn for the expenditure of moneys, registers of members, registers of expulsions, suspensions and rejections, petitions for initiation and affiliation, reports of investigating committee and copies of the Proceedings of the Grand Lodge as published from year to year.

No Lodge and no officer or member thereof shall destroy or, except as otherwise provided in these Constitutions, transfer the ownership or custody of any of these permanent records without the approval thereof by a two-thirds vote of the members present taken at a regular communication of the Lodge, and the consent in writing of the Grand Master.

SEC. 322. The minutes of every communication, stated or special, shall, in the discretion of the Worshipful Master, be read, corrected if necessary, and approved by the Lodge, either before it is closed or immediately following the opening of the next stated communication, and when so approved they cannot be altered or expunged. Should it appear that an error had been made in the record, a minute explaining or correcting the same may be added thereto by vote of the Lodge at a subsequent communication.

SEC. 323. The proceedings of a Lodge shall be submitted to the Grand Lodge whenever required.

SEC. 324. Every Lodge shall hold a communication at least once in each year, and the neglect of a Lodge to do so, or to make returns and pay dues for two consecutive years, shall subject it to forfeiture of its Charter. A Lodge failing to pay its annual dues shall not be entitled to be represented in the Grand Lodge.

SEC. 325. Every communication of a Lodge, whether stated or special, must be opened and closed on the Third Degree.

SEC. 326. A Dispensation to form a new Lodge in the State of New York shall not be issued to a less number than seven Master Masons; nor without the recommendation of all the Lodges whose jurisdiction would be affected 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 four months next preceding an Annual Communication; nor without the certificate of a chartered Lodge, whose jurisdiction would be affected 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 chartered 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; nor without good and sufficient certificate that each of the affiliated petitioners for said Dispensation has paid all dues to the chartered Lodge of which he is a member, up to the close of the year in which the next Annual Session of the Grand Lodge is to be held; nor unless the certificate of dismissal, or its equivalent, of each of the non-affiliated petitioners accompanies such petition, provided that where a single Lodge refuses to give its consent to the establishment of a new Lodge the Grand Master may, in his judgment, issue a Dispensation without such consent.

SEC. 327. An elected officer of a Lodge or a member of a Lodge under Dispensation, shall not be a petitioner for a Dispensation to form a new Lodge in the State of New York.

SEC. 328. A Lodge under Dispensation cannot elect or install its officers, or be represented in Grand Lodge, but it possesses all other powers and privileges, and must perform all the other duties of a chartered Lodge except that it need not have a seal.

SEC. 329. All Dispensations to form new Lodges shall expire on the 1st day of April in each year.

SEC. 330. Candidates initiated or passed or raised in a Lodge under Dispensation not continued by a charter shall become non-affiliated upon the expiration of the Dispensation. The Grand Secretary, immediately on such new Lodge being constituted, shall notify all chartered Lodges to which any of its members belonged, when joining in the original petition aforesaid, of the granting of such charter and of the constitution of the Lodge thereunder, with the names of such original petitioners as continued their membership in such newly constituted Lodge.

SEC. 331. All members of a Lodge under Dispensation at the time of the expiration of the Dispensation shall be deemed members of such Lodge when it shall be duly chartered and constituted.

SEC. 332. No Charter shall be issued for the constitution of a new Lodge unless such new Lodge shall have given proof of its skill and ability by Work under a 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 the Committee on Law Enforcement of Grand Lodge shall certify that said Committee has inspected the books,

accounts and records of the Lodge under Dispensation and has found them to be in due form; nor unless said Dispensation and an attested transcript of all 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.

SEC. 333. Seven or more Master Masons may unite to form a Lodge for purposes of Masonic study and research and a dispensation and charter may be issued therefor without compliance with the requirements of the provisions of Sections 326 to 332 inclusive of these Constitutions. A Lodge formed under the provisions of this Section shall be without power or authority to confer degrees upon candidates or brothers or to receive members other than by affiliation, shall not be entitled to a representative and vote in Grand Lodge, as provided in Section 102 of these Constitutions, and shall not be required to pay any of the fees specified in Section 600 thereof. The territorial jurisdiction of such Lodge when formed shall be co-extensive with the territorial jurisdiction of this Grand Lodge. A Lodge formed hereunder may accept as corresponding members Master Masons or Lodges of Master Masons in good standing in this or other Grand Jurisdictions in Masonic affiliation with this Grand Lodge and also organizations recognized as Masonic by this Grand Lodge and Masonic Libraries, under such conditions as by its By-Laws it may prescribe.

SEC. 334. A Lodge can be dissolved only by the surrender or forfeiture of its Charter.

SEC. 335. The Charter of a Lodge can be surrendered only when there cannot be found among its members seven brethren, duly qualified, desirous of retaining the same.

SEC. 336. A Lodge may forfeit its Charter 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 Constitutions or Laws.
4. Ceasing to meet for one year; or
5. Neglecting to make returns and pay dues for two consecutive years.

SEC. 337. The Charter of a Lodge shall not be declared forfeited except by action of the Grand Lodge at an Annual Communication after trial of the Lodge upon charges presented in accordance with the provisions of the Code of Procedure, at which trial the Lodge shall have been afforded an opportunity of being heard in its defense and the findings of the Trial Commission submitted to the Grand Lodge.

SEC. 338. The surrender of a charter, when approved, or the forfeiture of a charter when declared by the Grand Lodge, shall be conclusive upon the Lodge and its members, who shall thereupon become non-affiliated, and all the property of the Lodge shall become the property of the Grand Lodge, and must, on

demand, be surrendered to the Grand Lodge, or its authorized agent, by the person or persons having its custody.

SEC. 339. The charter 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.

SEC. 339-A. Two or more Lodges, upon the Summoned Communications of the Lodges involved, summoned by notice mailed not less than ten days prior to the dates of the respective Summoned Communications, and by the vote of two-thirds of the members present and voting, may consolidate, upon the approval of the Grand Master and upon such terms and conditions as the Grand Master shall prescribe and in the manner meeting with his approval.

SEC. 340. Membership in a Lodge shall be acquired by a brother in the following manner:

1. By having been named one of the persons to whom was granted the Charter under which the Lodge is constituted.
2. By having been accepted by the Lodge as a candidate, receiving his First Degree therein, and afterwards having received the Third Degree in such Lodge or by its request, or consent, in another Lodge.

And every brother receiving the Third Degree shall be deemed a member of the Lodge by which he shall have been accepted, if it shall then exist, provided, immediately after having received such degree, he sign the By-Laws of such Lodge, pending which his membership shall be in abeyance and he be deemed non-affiliated.

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 accepts his application, shall become a member of such Lodge, and sign its By-Laws on receiving the Third Degree.
4. By regular affiliation; but no Master Mason shall thus become a member of a Lodge unless it shall appear that he is not indebted to any Lodge for dues or assessments and that no charges of un-Masonic conduct are pending against him.

The petition of a non-affiliated Mason for membership must be accompanied by a dimit or by a certificate of the Grand Secretary showing the petitioner's status as a non-affiliated Mason.

SEC. 341. To consummate his membership, every member at the time of receiving his Third Degree, and every affiliating member, must sign with his full name the "Book of By-Laws." A Brother who fails to sign the By-Laws of the Lodge having jurisdiction over him, after having received the Third Degree in such Lodge or by its request or consent in another Lodge, and who thereafter establishes his residence in another Jurisdiction may sign such By-Laws by a duly executed power of attorney to one of the elective officers of the Lodge.

SEC. 342. The jurisdiction of all Lodges over candidates for initiation residing within New York State shall be concurrent.

SEC. 343. A Lodge shall not remove its place of meeting from the town, village, or city named in its Charter, nor from one place to another in such town, village, or city, without the affirmative vote of two-thirds of the members present, 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, or city or portion of a city named in its Charter must receive the sanction of the Grand Master previous thereto.

SEC. 344. ~~A Lodge shall not initiate any candidate unless he has been a resident of the State of New York for twelve months~~ next preceding the date of the petition for such initiation, and no Lodge shall initiate any candidate who is not a resident of the State of New York without the consent of the Lodge in the jurisdiction of which such candidate resides, unless he shall be engaged in the United States naval or military service, or regularly engaged in marine occupation, requiring him to be at sea most of the time.

SEC. 345. A Lodge shall not initiate a person except upon his petition. A petition for initiation must be signed by the petitioner, with his full name, and by a member of the Lodge petitioned, who must certify that he is well acquainted with the petitioner, that he has read the answers to the questions contained in the petition and believes them to be true and that the petitioner is of good character and reputation, and comes under the tongue of good repute. No petition shall be received unless so certified, and unless the petitioner shall have answered therein, in his own handwriting, the following questions:

1. What is your full name? _____

2. Where were you born? _____
3. What was the month, day and year of your birth?

4. Where do you reside, stating Borough if within the City of New York?

5. Where have you resided for the twelve months last past?

6. Where have you resided for the four months last past?

7. Do you believe in the existence of one ever living and true God? _____
8. Do you believe in the immortality of the soul? _____

9. Have you any physical ailment, deformity or defect? _____
If so, state the facts concisely _____

10. Have you ever been convicted of a crime, irrespective of whether sentence has been suspended? _____
If so, state the facts concisely _____

11. Have you ever presented a petition to a Masonic Lodge either in this State or elsewhere? _____
If so, when and to what Lodge? _____

12. Have you ever been rejected by a Masonic Lodge, either in this State or elsewhere? _____
If so, when and by what Lodge? _____
13. Where have you resided for the ten years last past? If in more than one place, state the particular years in each place _____

14. What has been your business occupation for the ten years last past? State explicitly, specifying particular years and where conducted _____

15. Have you read all of the foregoing questions? _____
16. Are all of the foregoing answers in your own handwriting? _____
17. Do you, upon your honor, declare all of your answers to be true? _____

SEC. 346. Every candidate for initiation must possess the following qualifications:

1. Belief in God.
2. Belief in Immortality.
3. Ability, with or without artificial aid or substitution of members, reasonably to conform to the ritual, and capacity to earn a living for himself and family; provided, however, that the Grand Master shall have power by dispensation in individual cases to waive disability to conform to the ritual, but not disability to earn a living for himself and family, which qualification must be determined by the Lodge.*

* This Grand Lodge recognizes physical qualification as a regulation rather than a Landmark but emphasizes its importance in determining a candidate's qualifications for admission to the Fraternity. Whether a candidate possesses the necessary physical qualifications or not must be determined by the Lodge. If by reason of failure to exercise reasonable care, a candidate is admitted to Lodge membership who thereafter becomes needy because of physical limitations which should have been apparent at the time of his application, the responsibility of caring for such Brother rests solely upon the Lodge.

SEC. 347. A Lodge shall not initiate any person without due inquiry into his character, nor without being satisfied that he has not been previously rejected. If it shall be ascertained that a person being a petitioner for initiation has been rejected, no affirmative action shall be taken upon such petition until the expiration of twelve months after such rejection.

SEC. 348. A member of a Lodge or a non-affiliated Mason, other than one who has voluntarily withdrawn from said Lodge, may present his petition for affiliation to any Lodge of which he is not a member and such last-mentioned Lodge may receive the petition and, if received, it must be referred to a Committee of Investigation and, upon the report of the Committee, the Lodge shall take a ballot and if thereupon such petition be granted, the brother shall become a member of the Lodge so accepting him when, if the petitioner be a member of a Lodge, it shall receive a certificate that such Brother has been regularly discharged from membership in the first-mentioned Lodge or, if the petitioner be a non-affiliated Mason, a dimit or a certificate of the Grand Secretary showing the petitioner's status as a non-affiliated Mason, and he shall have signed the By-Laws of the Lodge accepting him. If after a brother has been accepted for affiliation and before he has signed the By-Laws 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 before such Brother was accepted.

In case the affiliating member shall in his petition indicate that he desires to retain his membership in another Lodge than that to which he petitions for affiliation, upon his acceptance by a Lodge, he shall become a member thereof on signing its By-Laws; and certificate of his discharge from membership in another Lodge is dispensed with. The Secretary of the accepting Lodge shall at once notify the other Lodge of which the Brother is a member.

A petition for affiliation must be signed by the petitioner, with his full name and by a member of the Lodge petitioned, who must certify that he is well acquainted with the petitioner, that he has read the answers to the questions contained in the petition and believes them to be true and that the petitioner is of good character and reputation, and comes under the tongue of good repute. No petition shall be received unless so certified, and unless the petitioner shall have answered therein, in his own handwriting, the following questions:

1. What is your full name? _____
2. Where were you born? _____
3. What was the month, day and year of your birth?

4. Where do you reside, stating Borough if within the City of New York?

5. What is your business occupation and where is it conducted? _____

6. Are you at the present time regularly dimitted from a Masonic Lodge? ____
If so, state the name, number and address of such Lodge _____

7. Are you at the present time a member of a Masonic Lodge? _____
If so, state the name, number and address of such Lodge _____

8. If you should be received into membership in this Lodge, is it your desire to retain your membership in the Lodge named in your answer to Question No. 7? _____
9. At the present time are you a member of more than one Masonic Lodge? ____
10. Have you ever presented an application for affiliation with another Masonic Lodge, either in this State or elsewhere, which has not been acted upon? ____

11. Have you ever been rejected, upon your application for affiliation, by a Masonic Lodge, either in this State or elsewhere? _____
If so, when and by what Lodge? _____

SEC. 348-A. A non-affiliated Mason who has voluntarily withdrawn from his Lodge by requesting a dimit, subsequently granted, wishing to restore his membership in the Lodge from which he was dimitted, may be restored to membership at any stated communication of said Lodge by a majority vote taken by a show of hands, provided that the appropriate dues for the current year have been paid, except that any such non-affiliated brother shall not be restored after five years or more, shall not become a member of such Lodge except by ballot as defined in Section 354 as amended.

SEC. 349. A Master Mason in good standing may become by regular affiliation, or by joining as petitioner in the founding of a new Lodge, and may continue as a member of two or more Lodges in this or a sister jurisdiction where permitted, provided that he shall be liable to pay the fee provided by Section 600, Subdivision 6; shall be liable to pay dues in each Lodge of which he is a member; shall be entitled to vote in each Lodge of which he is a member, and to bear office therein, excepting that he shall not be Master of more than one Lodge at the same time, and involuntary loss of membership in any Lodge shall work loss of membership in all Lodges in this jurisdiction.

Membership in a Lodge formed for the purpose of Masonic study and research, pursuant to Section 333 of these Constitutions, shall not be included in counting the number of Lodges of which a brother is a member under the limitations of this Section.

SEC. 350. A Lodge at a Stated Communication, and by unanimous ballot, upon a proposition received at a previous Stated Communication, may confer

honorary membership upon any Master Mason who, at that time, shall be a member in good standing of some Lodge; but an honorary member of a Lodge shall not vote therein.

SEC. 351. 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. An honorary member who gives up active membership is subject to the disabilities of a non-affiliate, the honorary membership being held in abeyance until he is again affiliated.

SEC. 352. A petition for initiation or affiliation, or for waiver of jurisdiction over a candidate or a brother, shall not 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, whose report thereon must be in writing, in terms "favorable" or "unfavorable," and no report of an Investigating Committee shall be received until at least two weeks after such petition shall have been referred. No petition shall be received if it discloses that a petition of the same person is pending before another Lodge. A petition ceases to be pending as soon as a ballot thereon has been taken by the Lodge to which it has been presented.

SEC. 353. A petition for initiation, except one requiring a waiver of jurisdiction, after having been received and referred, cannot be withdrawn, but must be acted upon by report of committee and a ballot, and an adverse ballot cannot be reconsidered. After twelve months a rejected candidate may present a new petition for initiation, which shall take the same course as the previous one.

A petition for affiliation or a petition requiring a waiver of jurisdiction over a candidate may be withdrawn before a vote.

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

A majority vote by show of hands shall be sufficient to grant a waiver of jurisdiction.

SEC. 354. The ballot on a petition for initiation, or for affiliation, can be taken only at a Stated Communication, and if the ballot shall contain three or more black cubes, the petitioner shall be declared rejected. It shall be the duty of the Master and the Wardens of every Lodge to see that a ballot box, when presented for use, shall contain at least as many white balls as there are brethren present in Lodge, and in addition thereto at least six black cubes.

The Master of a Lodge may destroy the ballot twice, but no more and shall announce the result of a third ballot.

SEC. 355. Every member of a Lodge present at any balloting therein for initiation, advancement, or affiliation must vote.

SEC. 356. No discussion upon the merits of a petitioner for initiation, passing, raising, or affiliation, shall be allowed in the Lodge.

SEC. 357. The balloting on a petition cannot be postponed or adjourned, but when once commenced must be completed, and the result thereof declared.

SEC. 358. A ballot for each degree is an undeniable right if 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. If a ballot be demanded upon a candidate after he has been accepted and before he has been initiated, it may be taken whether the demand be made at a Stated or a Special Communication, provided the Special Communication be one called for the purpose of conferring the degree to which the candidate is entitled. If, after a brother has been initiated, any member shall demand a ballot upon his advancement, and such ballot result in a rejection, the brother may be proposed for advancement at any subsequent Stated Communication of the Lodge; the proposition must lie over at least to the next Stated Communication, and a clear ballot must be had before the brother can be advanced. No written or verbal objection shall have the effect to reject the petition of a candidate or the advancement of a brother. An objection must be respected, and will defer the initiation of a candidate or the advancement of a brother until a subsequent communication of the Lodge, provided, however, that where objection has been made and the initiation of a candidate or the advancement of a brother has been deferred in accordance therewith, the Master in his discretion may refuse to respect a subsequent objection to the initiation of such candidate or the advancement of such brother. The name of the brother objecting or making a demand for a new ballot, as herein provided, shall not be entered on the minutes.

SEC. 359. A brother whose advancement has been arrested for a period of six months as the result of an adverse ballot, may, thereafter, petition any other Lodge within the jurisdiction of this Grand Lodge for the remaining degrees and for membership therein. Such petition shall take the course of a petition for initiation or affiliation as provided in Sections 352 and 354 hereof. If the ballot on such petition shall be clear as defined in Section 354 as amended, the Lodge accepting the petition, upon thereafter receiving a waiver of jurisdiction from the Lodge having jurisdiction over the brother, may confer the remaining degrees upon him, and upon signing its By-Laws, he shall become a member thereof.

SEC. 360. A Lodge shall not make a Mason for a sum less than twenty-five dollars, nor upon credit. The Second and Third Degrees shall be conferred without fee.

Subject to the foregoing limitations, a Lodge shall have the power to enact By-Laws fixing and regulating the payment of a fee for initiation into the First Degree, provided, however, that every candidate whose petition for initiation is rejected shall be notified thereof by the Secretary of the Lodge and all fees he has paid shall be returned to him; and, provided further, that no initiation or proposition fee or any part thereof shall be forfeited to the Lodge, in case the candidate having been elected to receive the degrees shall fail to present himself for initiation, unless a clear statement of the conditions of forfeiture shall be set forth in the petition for initiation which has been subscribed by the candidate.

SEC. 361. Except upon dispensation from the Grand Master providing otherwise, no Lodge shall confer any degree on more than five (5) candidates at a

time or more than one degree within any seven (7) consecutive days, or the Second Degree or the Third Degree on the same candidate at a less interval than two weeks from the time of conferring the preceding degree, or the First Degree on any candidate who has not petitioned it for initiation and membership. Except on similar dispensation, no Lodge shall receive any petition for initiation or affiliation unless it shall have been completed and signed by the petitioner in his own handwriting.

SEC. 362. Consolidated with Section 361.

SEC. 363. A brother shall not be passed to the degree of Fellow Craft, nor raised to the degree of Master Mason, without proof of suitable proficiency in the preceding degree, ascertained from an examination in open Lodge, or by a committee appointed for that purpose. No other avouchment shall be sufficient.

SEC. 364. An officer or other member of a Lodge shall not be permitted to procure the advancement of a brother in any other Lodge than that having jurisdiction over such brother, except by direction of the Lodge in writing, and over its seal, accompanied by a certificate of the Grand Secretary under the seal of the Grand Lodge to the effect that such Lodge is a duly chartered Lodge of this jurisdiction.

SEC. 365. An Entered Apprentice or Fellow Craft of any other Grand Lodge jurisdiction, shall not be passed or raised in any Lodge under the jurisdiction of this Grand Lodge unless the consent of, or a waiver of jurisdiction from, the Lodge in which he was initiated or passed shall have been obtained, provided said Lodge continues in existence.

SEC. 366. Every Lodge shall practice the Standard Work and Lectures adopted by Grand Lodge, except that the Grand Master, by special dispensations in individual instances, may, in his discretion, authorize any Lodge to permit the conferring of any degree, or any part thereof, in accordance with the Standard Work and Lectures practiced in another Jurisdiction, with which this Grand Lodge stands in fraternal relationship, by a duly accredited Mason from such other jurisdiction.

SEC. 367. Subject to the limitations contained in Section 319, a Lodge shall have power to enact By-Laws requiring and regulating the payment of Lodge dues and providing a penalty for non-payment thereof, which penalty shall be disfranchisement at an election of officers of the Lodge or unaffiliation, but such penalty shall not be inflicted except the brother is in arrears one year for dues nor shall he be unaffiliated until he shall have been duly summoned thirty days previously thereto to pay said arrears of dues. Such unaffiliation shall not take place until an investigating committee appointed by the Master has made an investigation as to the reason for non-payment of dues and reported same to the Lodge. Any such unaffiliated brother may be restored to membership at any Stated Communication by a majority vote, taken by show of hands, provided the amount due at the time of such unaffiliation shall have been paid, except that such unaffiliated brother who shall have been unaffiliated for five years

or more shall not again become a member of any Lodge except by unanimous vote by ballot; but, until so restored, the brother so unaffiliated shall not be allowed to visit any Lodge, nor join in a Masonic procession, nor be entitled to receive Masonic relief or burial.

SEC. 368. Suspension from the rights and privileges of Masonry shall not relieve the member of payment of Lodge dues, or the Lodge from Grand Lodge dues upon such member.

SEC. 369. Any member of a Lodge against whom charges are not pending, and who does not stand suspended pursuant to Section 405 of these Constitutions, 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. A brother thus dropped from the roll of a Lodge shall be entitled to a dimit setting forth the fact.

SEC. 370. Any brother who shall remain a non-affiliated 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.

SEC. 371. A Lodge may, at a Stated Communication, when previously summoned for the purpose, tax or assess its members for strictly Masonic purposes, but for no other. A failure to pay such an assessment is a failure to perform a Masonic duty.

SEC. 372. No Lodge shall distribute its funds among its members, but a Lodge may make such appropriation for the voluntary relief of worthy and indigent Masons, their wives, child or children, widows or orphans, as may be proper.

CHAPTER IV

TRIALS AND DISCIPLINE

SECTION 400. The judicial powers of this Grand Lodge may be exercised by the Grand Lodge or delegated and are both original and appellate, embracing all matters of controversy and discipline.

SEC. 401. [Repealed.]

SEC. 402. All trials of charges preferred and appeals taken in pursuance of the provisions of these Constitutions shall be conducted in accordance with the Code of Procedure of the Grand Lodge.

SEC. 403. The rule that a penal statute or one in derogation of the Common Law is strictly construed does not apply to these Constitutions or to the Code of Procedure, or to any of the provisions of either thereof, but all such provisions must be construed according to the fair import of their terms to promote justice and effect their objects.

SEC. 404. The penalties for a violation of a Masonic Law shall be as prescribed in these Constitutions and in the Code of Procedure.

SEC. 405. A brother who has been convicted of a felony by the judgment of a court of law of competent jurisdiction shall, forthwith, stand suspended from all the rights and privileges of Masonry until such judgment shall be reversed or set aside or until a Masonic trial shall have resulted in the acquittal of the brother of charges based upon such judgment or until such suspension shall have been terminated by the action of Grand Lodge. It shall be the duty of the Master of the Lodge of which such brother is a member to present a complaint against the brother, or cause the same to be presented against him, in the manner prescribed in the Code of Procedure, which complaint shall state the fact of such conviction. It shall be the further duty of the Master to notify the accused of his suspension and to report the fact of such suspension in open Lodge. A person found guilty after due Masonic trial of an act or conduct constituting a felony under the laws of the State of New York and which shall involve moral turpitude shall be punished by expulsion.

SEC. 406. If any brother shall in any way make known the kind of ballot cast by himself or another on the 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 aforesaid, it shall be deemed a Masonic offense, and such brother so offending may, on conviction thereof, be suspended for a period not exceeding one year. However, the provisions of this section shall not apply to a brother who is directed by the Grand Master to testify in any proceeding for the violation of Section 354 of these Constitutions where such testimony would be relevant to either the pro-brother so offending may, on conviction thereof, be prosecution or the defense. 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.

SEC. 407. 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, or in the event that at the time of his initiation he shall have lacked any of the essential qualifications specified in Section 346 of these Constitutions, he may be tried therefor, and, if found guilty, may be punished by suspension or expulsion. If, however, such concealment or deceit relates in any wise to any previous application for initiation in this or any other Masonic jurisdiction, the punishment therefor shall be expulsion.

CHAPTER V

MISCELLANEOUS PROVISIONS

SECTION 500. The use of any book, document or paper written or printed or in cipher purporting to be the secret ritual of Freemasonry is prohibited except such as are officially promulgated by Grand Lodge.

SEC. 501. No circular or appeal to other Lodges or members thereof for donations or for any purpose whatever shall be issued unless the same shall have been officially approved by the Grand Master.

SEC. 502. Intoxicating liquors shall not be allowed within the rooms of a Lodge.

SEC. 503. No Lodge shall meet on Sunday for Masonic labor other than the obsequies of a Mason.

SEC. 504. The Masonic Districts shall remain as now organized, subject to alteration by the Grand Lodge at any Annual Communication.

SEC. 505. No visitor shall be admitted into any Lodge without due inquiry and satisfaction as to his good Masonic standing; nor shall he be admitted or be permitted to remain therein if his presence will disturb the harmony of the Lodge or embarrass its work. The names of visitors to Lodge must be announced in open Lodge, and either there vouched for, or, before examination, a certificate of the visitor's standing in a Lodge warranted by the Grand Lodge must be presented.

SEC. 506. Any visitor from another jurisdiction, unless personally known, applying for examination for admission to a Lodge in this jurisdiction shall be required to present a certificate of his membership in the Lodge from which he hails. Such certificate shall be authenticated as follows:

1. By the Grand Secretary of the Grand Lodge in which such Lodge is located, as to the regular standing of the Lodge.
2. By the Secretary of the Lodge as to the Masonic standing of the brother; and
3. By the signature of the brother in whose name the certificate is issued, for personal identification.

SEC. 507. As the true and legitimate source of Masonic authority and the supreme and sovereign Masonic body in this Grand Jurisdiction, this Grand Lodge recognizes as Masonic only those organizations or bodies which it shall declare so to be or with which it is in Masonic affiliation. Any Mason under the jurisdiction of this Grand Lodge who shall hereafter take or receive, confer or be present at, or assist in the conferring of any degree, grade or order, in or under the authority of any organization or body claiming to be Masonic, or which uses or employs in its ceremonies, either directly or indirectly, or by reference thereto or otherwise, any part of the esoteric work, signs or symbols of the three degrees of Ancient Craft Masonry, and which is not declared to be or recognized as such Masonic organization or body by this Grand Lodge, is guilty of a Masonic offense.

SEC. 508. This Grand Lodge while acknowledging no degrees of Masonry except those conferred under its authority or the authority of a Grand Lodge or Grand Orient which has been, or may hereafter be, recognized by the Grand Lodge of New York as a regular and legitimate Masonic organization, nevertheless, recognizes the following named organizations or bodies to be Masonic:

The General Grand Royal Arch Chapter of the United States, The Grand Royal Arch Chapter of the State of New York, and the Royal Arch Chapters and other bodies under their jurisdiction; The General Grand Council of Cryptic Masons of the United States, The Grand Council of Cryptic Masons and the Councils under their jurisdiction; The Grand Encampment of Knights Templar of the United States, The Grand Commandery of the State of New York and the Commanderies under their jurisdiction; The Supreme Councils of the Ancient Accepted Scottish Rite of Freemasonry for the Northern and Southern Masonic Jurisdictions of the United States and the various bodies under their jurisdictions.

SEC. 509. No Lodge or any member thereof, nor any Freemason within this jurisdiction, over whom the Grand Lodge has Masonic penal jurisdiction, shall directly or indirectly use or attempt to use Freemasonry for or against any political activity, enterprise or candidacy; and it shall be unlawful for any such Lodge or Brother either personally or by written letter or circular, or in any other manner, directly or indirectly, to solicit, or attempt to obtain votes for or against any candidate for political office, on the ground, or for the reason that such candidate is or is not a member of the Craft and therefore worthy or otherwise of political support. Any violation of the provisions of this Section shall be a Masonic offense.

CHAPTER VI
FEES AND DUES

SECTION 600. 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 Charter 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:	
On parchment	1.50
On paper	0.50
5. For every person initiated into a Lodge	25.00
\$3 whereof shall be appropriated to the Hall and Asylum Fund and \$20 whereof shall be paid to the Trustees of the Hall and Asylum Fund and by such Trustees held in a commingled fund or otherwise safely invested, and the income thereof used for the benefit of the Home and the Hospital as their respective needs may from time to time be by said Trustees determined.	
6. For the affiliation of every Master Mason and for every Entered Apprentice and Fellow Craft petitioning for and receiving the Degree of Master Mason in the Lodge and signing its By-Laws	1.00

7. For registry fee of every adjoining member or Entered Apprentice made 1.00
8. Every Lodge shall pay for each of its members annually \$9.25 in 1991, \$10.25 in 1992, \$11.25 in 1993, \$12.25 in 1994, \$13.25 in 1995 and annually thereafter \$14.25, (except as indicated in Section 602) and such additional sum not exceeding fifty cents per member as may be required to pay the expenses of Grand Lodge authorized by appropriations at an Annual Communication, and any other expenditures for any duly authorized projects of Grand Lodge.
9. Every Lodge shall pay for each of its members annually, which shall be appropriated to the Hall and Asylum Fund 3.25
10. Every Lodge shall pay to the Grand Secretary the Annual Fee, as prescribed above in subdivisions 8 and 9, on or before the fifteenth day of March in each year.

SEC. 601. No new charge shall hereafter be imposed upon the Lodges or their members for the benefit of the Masonic Hall and Asylum Fund, except by an amendment to these Constitutions, which shall not be valid until it shall have been submitted to, and adopted by, three-fourths of all the Lodges entitled to be represented in the Grand Lodge pursuant to Section 324 of these Constitutions, and this Subdivision shall in no wise be amended except by the vote of the same number of Lodges similarly entitled to be represented in the Grand Lodge.

SEC. 602. 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; and no dues for such member or members whose Lodge dues have been waived for hardship reasons approved for one year by the District Deputy Grand Master for the time being. During the period from the Annual Communication of 1988 to the Annual Communication of 1989, the Grand Lodge will suspend this requirement in the circumstances following: where an unaffiliate requests restoration upon payment of one year's dues and the Lodge accepts the same, according full reinstatement therefor, the Lodge shall receive from the Grand Lodge a credit, upon the next annual return following, of one year's per-capita dues for one member.

CHAPTER VII

DEFINITIONS

SECTION 700. To be in GOOD MASONIC STANDING within the meaning of the Constitutions requires that a brother shall have been initiated, passed, and raised in a just and duly constituted Lodge of Free and Accepted Masons, and is not unaffiliated, suspended or expelled.

SEC. 701. Permanent home, Domicile. Primarily the place of birth is the domicile. It can be changed only by a consummated intention evidenced by acts

and not by mere declarations. It does not include a temporary habitation for any purpose, no matter how long continued, unless the present intention immediately to make it a permanent home is manifested. The intention to make it a home in the future is not sufficient. There can be but one domicile.

SEC. 702. A non-affiliated Mason is one who, having received his degrees, has failed to sign the By-Laws of the Lodge by which he has been accepted and by whose action or at whose request he has received the Third Degree, or one who, being free of pending charges and indebtedness to a Lodge has voluntarily and upon his own written application, withdrawn therefrom and is not a member of any other Lodge; or one who, having been expelled from the rights and privileges of Masonry, has been restored thereto by due action of a Lodge or of the Grand Lodge; or one who was a member in good standing of a Lodge whose Charter has been forfeited or voluntarily surrendered.

An Unaffiliated Mason is one who has been dropped from membership in a Lodge for non-payment of dues.

SEC. 703. A Clandestine Lodge is one professing to be a Lodge of Free and Accepted Masons acting under authority from any source not recognized as regular and legitimate by, and not having Masonic intercourse with, the Grand Lodge of New York.

SEC. 704. A clandestine Mason is one who has received his degrees in, or is a member of, a body not recognized as Masonically legal by the Grand Lodge of New York, or in a Lodge operating outside the lawful jurisdiction of its Grand Lodge.

CHAPTER VIII

AMENDMENTS

SECTION 800. The Rules of Order shall not be suspended or amended at any time, except by a vote of two-thirds of the Grand Lodge.

SEC. 801. No amendment to these Constitutions, or to the Code of Procedure shall be made, or have any effect, until it shall have been proposed in Grand Lodge at its Annual Communication, and have 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 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 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 Amendments to the Constitutions," or "Code of Procedure," as the case may be, and sent with the printed Proceedings to all the Lodges in the jurisdiction. Provided, that Section 601 of the Constitutions shall only be amended as therein specified.

SEC. 802. All former Constitutions, Statutes, Rules of Order and Codes of Procedure and all Decisions inconsistent herewith are hereby repealed; except

that as to all Masonic offences committed prior to the taking effect hereof, the provisions of the Constitutions and Code of Procedure heretofore existing shall continue in force, and nothing contained in any provision of these Constitutions or of the Code of Procedure renders ineffectual or otherwise impairs any final judgment heretofore rendered or any proceeding heretofore taken pursuant to any former Constitutions, Statute, Code of Procedure or Decision unless the contrary is expressly declared in the provision in question.

RULES OF ORDER

c

c

c

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. In nominating, or seconding the nomination of, an officer of the Grand Lodge, a Brother shall not be permitted to speak more than five minutes; in seconding a nomination, not more than three minutes.

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 offense of the same nature, the Chair may peremptorily order him to leave the Lodge room for that day.

V. – 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.

VI. – 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.

VII. – All members shall keep their places, except the officers in the discharge of their duties.

VIII. – 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.

IX. – 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.

X. – Every proposition offered for consideration shall be in writing.

XI. – All Standing Committees of Grand Lodge shall consist of not less than three nor more than nine members, unless otherwise provided herein.

At the opening of each Annual Communication, or at such time in advance thereof as he shall deem expedient, the Grand Master shall appoint the following Standing Committees:

1. A Committee on Credentials of Members and Returns of Lodges.
2. A Committee on Pay of Members and Representatives.

At the Annual Communication or within thirty days after the close thereof, the Grand Master shall appoint the following Standing Committees:

3. A Committee on Masonic Jurisprudence to consist of the Past Grand Masters. To this Committee shall be referred all domestic correspondence, requiring action, and questions relative to Masonic law, and to the usages, privileges, and customs of the Fraternity.
4. A Committee on Correspondence and Relations. The Committee shall have the general duty of considering and maintaining the relations of Grand Lodge with other Masonic jurisdictions and making recommendations with respect thereto to Grand Lodge and to the Grand Master.
5. A Committee on Charters, to consist of nine members. To this Committee may be referred all applications for dispensations to form new Lodges and all applications for Charters and all cases of forfeited Charters with full power of investigation. They shall not act upon any application for a Charter, unless it shall have been recommended by the nearest Lodge; nor shall any Charter be revived which has been forfeited previous to June 1839; nor any other Charter forfeited since that time, unless it be first surrendered.
6. A Committee on Restorations. Its duties shall be those prescribed in Section 505 of the Code of Procedure.
7. A Committee on Finance, who under the direction of the Grand Master shall formulate and direct the principles, methods and procedure to be followed in the handling of Grand Lodge accounts and who shall conduct audits as provided in Section 119 of the Constitutions. This Committee shall prepare or have prepared, annually, the financial statements of Grand Lodge and it shall, in its discretion, employ independent accountants to examine the accounts of all departments of Grand Lodge and such accountants, when employed, shall be responsible to and report to the Finance Committee. This Committee shall examine into and report upon all matters affecting finances of Grand Lodge and all subjects involving an appropriation of funds shall be referred to it and without its approval no such appropriation shall be made unless by the vote of Grand Lodge. The Finance Committee shall submit at each Annual Communication of Grand Lodge a budget for the succeeding year and to this shall be added such other appropriations as the Grand Lodge may make at such communications, and a sum equal to any withdrawals from the Reserve Fund during the previous year. No expenditure shall be authorized or disbursements made by any officer or Committee of Grand Lodge in excess of the provision made therefor in the budget of the Grand Lodge except with the approval of the Grand Master or of the Committee on Finance. The Committee shall also submit with its report a statement of the Trustees of the Masonic Hall and Asylum Fund showing their approximate income and expenditures for the succeeding year.

8. A Committee on the Constitutions. To this Committee shall be referred all propositions to amend the Constitutions and Rules of Order of the Grand Lodge.
9. A Committee of seven to be known as the Custodians of the Work, the first members of said Committee to be appointed to serve for the following terms: three to serve one year, two to serve two years, and two to serve three years. That at the expiration of said terms respectively their successors in office shall be appointed for the term of three years, and at the expiration of every three years thereafter. Should any vacancy in said Committee occur, the Grand Master shall fill such vacancy for the balance of the term. The Custodians of the Work shall meet at least once during the Grand Lodge year at the call of the Chairman at which time the Grand Lecturer may be asked to exemplify the works, lectures and ceremonials. No changes shall be made in the work established by the Grand Lodge except upon the report of such Committee and the favorable action of Grand Lodge thereon. The Custodians of the Work shall have general administrative authority over all the duties and functions of the Grand Lecturer and his assistants.
10. A Committee on Necrology. Its duty shall be to make suitable tribute at the Annual Communication of Grand Lodge concerning the members who departed this life since the preceding Communication.
11. A Committee to be known as the Committee on Leadership and Educational Services which shall consist of such number of members as the Grand Master shall appoint, and whose duties shall be to develop, organize, and make available Masonic knowledge, programs and services to the end that Lodges, Grand Lodge committees, District Deputy Grand Masters, and Grand Lodge Staff Officers may more effectively provide Masonic enlightenment for candidates and members, and for the better training of Lodge officers and leadership of the members.
- 11-1. The Committee on Leadership Services and the Committee on Masonic Education combined as Committee on Leadership Services. (1995)
12. A Committee on Law Enforcement to consist of seven members, to be appointed for the following terms; Two to serve one year, two to serve two years, and three to serve three years; and at the expiration of said terms, respectively, their successors in office shall be appointed for a term of three years thereafter. Should any vacancy in said Committee occur, the Grand Master shall fill such vacancy for the balance of the unexpired term.
 Its duties in addition to those prescribed in the Book of Constitutions shall be to take such steps as may be necessary to prevent the violation of the laws pertaining to the Fraternity and the improper use of its name but excluding therefrom the functions of the Proctor, prescribed in the Code of Procedure.
13. Committee on Boards of Relief and Employment (Deleted 1990).

1998

1998

14. The Committee on Lodges and Buildings, and the (Special) Committee on Long-Range Planning, combined to form a new Standing Committee to be known as the Committee on Long-Range Planning, which shall consist of such number of members, not less than three and not more than twelve, as the Grand Master shall appoint.
 15. A Committee on Grand Lodge Awards for Distinguished Achievement. Its duties shall be to investigate and recommend to the Grand Master the award of the Grand Lodge Medal for Distinguished Achievement to such members of the Fraternity as shall have achieved distinction in some field of endeavor beneficial to humanity.
 16. A Committee on Awards, whose duty shall be to review recommendations for Dedicated Service Awards, and if found in order, forward them with recommendations to the Grand Master. This committee shall also make available to Lodges, at the expense of such Lodges, within this Grand Jurisdiction, Fifty-Year Membership emblems and Fifty-Year Certificates, to such members of the Fraternity within this Grand Jurisdiction as shall be ascertained by the Committee, to have had membership in good standing for fifty years. And, that they make available to Lodges within this Grand Jurisdiction, at the expense of such Lodges such additional awards for a longer period of membership as the Grand Master may, from time to time, direct. This committee shall also process other awards not in the province of another committee, and also consider recommendations to the Grand Master for new awards.
 17. A Committee on Endowments, which shall consist of such number of members as the Grand Master shall appoint. The duty of this Committee shall be to promote methods to secure funds, such as gifts and bequests, for the maintenance and extension of the charitable work of the Trustees of the Masonic Hall and Asylum Fund, the Masonic Medical Research Laboratory, and the Trustees of the Chancellor Robert R Livingston Library of Grand Lodge.
 18. A Committee on Masonic Benevolence, which shall consist of such number of members as the Grand Master shall appoint.
 19. A Committee to be known as the Committee on Publications, which shall consist of such number of members as the Grand Master shall appoint, and whose duties shall be to direct, guide and supervise the publications of the Craft, particularly *The Empire State Mason* magazine, and to direct, guide, and supervise the Craft's public relations in their overall aspects, including the press, radio, television and other forms of publicity.
- 19-1. Committee on Lodge Supplies (Deleted 1995).

1995

1965

19-2. The Committee on Communications and the Committee on Publications combined. (1995)

20. A Committee on Library and Museum, to which shall be assigned the care, custody, management and supervision of the Library and Museum until such time as the Chancellor Robert R Livingston Masonic Library of Grand Lodge shall be declared by the Grand Master to be self-sufficient and self-supporting.

21. A Committee, to be known as the Masonic Brotherhood Fund Committee, which shall consist of a Chairman, such number of Vice-Chairmen as the Grand Master shall appoint, and such number of members not exceeding the number of Districts in this jurisdiction, as the Grand Master shall appoint.

22. A Committee on Unity to consist of nine members to be appointed for the following terms: three to serve one year, three to serve two years and three to serve three years; and at the expiration of said terms, respectively, their successors in office shall be appointed for terms of three years thereafter. Should a vacancy in said Committee occur, the Grand Master shall fill such vacancy for the balance of the unexpired term. The purpose of said Committee shall be to review the relationship of our Grand Lodge with the Most Worshipful Prince Hall Grand Lodge of Free and Accepted Masons of the State of New York with a view towards exploring the possibility of establishing a united Grand Lodge within the State of New York.

1966

23. The (Special) Committees on Community Service and on Child Identification combined to form a new Standing Committee to be known as the Committee on Community Service.

XII. -The Grand Secretary, in giving notice of the Annual Communication to members and Lodges, shall request them to send in any proposition or business they wish to bring before the Grand Lodge, within ten days after the reception of such notice.

No question, subject or proposition ordinarily referred to one of said Committees shall be acted on or considered by the Grand Lodge unless presented to said Committee, except where otherwise ordered by a vote of the Grand Lodge.

XIII. -After the Grand Master has called the Grand Lodge to order at the opening thereof, on the first clay 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. Ceremonies of opening the Grand Lodge.
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. Reports of the Grand Secretary and Grand Treasurer, and action thereon.

7. Report of the Trustees of the Masonic Hall and Asylum Fund."
8. Miscellaneous Business.

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

XV. - The order of business at each session, after the first day, shall be as follows, provided, however, that the election of Grand Officers shall be the special order of business at ten o'clock, A.M., of the last day of the Annual Communication, and that the installation of the Grand Officers shall take place immediately preceding the close of the Annual Communication; and further provided that the reading and consideration of the report of the Commission of Appeals shall be the special order of business just before ten o'clock, A.M., of the second day of the Annual Communication.

1. Reading and approving minutes of the preceding session.
2. Report 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 Committee on Correspondence and Relations having preference.
8. Report of the Judge Advocate.
9. Reports of Special Committees, and action thereon.
10. Special Order (if any).
11. Consideration of proposed Amendments to the Constitutions and Rules of Order (if any)
12. Unfinished Business of previous session (if any).
13. Miscellaneous Business, not included in the above.

XVI. - 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 XV 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.

XVII. - The seats in the Grand Lodge room shall be numbered by Districts. The numbering shall be so arranged that all the members representing the Lodges in a District shall be seated contiguously, and the District Deputy Grand Master of the District shall be assigned a seat with his District.

Representatives of Lodges and District Deputies are required to vote at their seats except as provided in Rule XVIII.

The location of Districts to be numbered conspicuously, so as also to be seen from the Chair.

XVIII. – In voting at the election of Grand Officers, in the event of more than one nomination, or when a vote by call of Lodges shall be ordered on any proposition, the Grand Master will appoint four or more sets of tellers of three each. The chairman of each set of tellers will be furnished with cards of each District allotted to his polling place, embracing a list of the Lodges and number of votes each Lodge is entitled to, and on which he will check off the votes by Lodges as deposited. The District Deputy Grand Master of each District will vote with his District, and will also be furnished with a duplicate card for the information of the representatives. At each polling place will be suspended a card indicating the name of the District then voting. The voting will be by Districts, governed by the location of the Lodges as seated in the hall, commencing from the East and as a District completes its vote, the District card at the polling place will be changed and the District immediately in rear of the one which has just voted will commence voting. As many Districts will be voting at the same time as there are sets of tellers at polling places. The vote of the Grand Lodge Officers, Past Grand Officers, the Commissioners of Appeals, the Trustees of the Hall and Asylum Fund, Members of the Masonic Medical Research Laboratory, Trustees of the Chancellor Robert R Livingston Library and Committees will be taken by the Grand Secretary at the Grand East. At the conclusion of the District call, any representative who did not vote with his District can do so before the balloting is declared closed, and when any one of the series of Districts has completed its vote, the tellers will, by order of the Grand Master proceed with the count. After the votes have been canvassed by the tellers, the result will be handed to the Presiding Officer and the aggregate announced by him.

XIX. – The Grand Secretary shall provide for each Annual Communication ballots in sufficient number, each having thereon the words "Yes" – "No" to be used in voting upon propositions.

XX. – The Committee on Pay of Members and Representatives shall ascertain from the Grand Secretary the names of all such as have been absent at roll call unexcused, and deduct from their pay severally one day's pay for each absence unexcused.

XXI. – All former Rules of Order of the Grand Lodge inconsistent herewith are hereby abrogated.

THE LANDMARKS

The following list was prepared by M. W. Joseph D. Evans, *Past Grand Master*, but has never been accepted by Grand Lodge.

The Landmarks are such of the distinctive points in the esoteric mysteries of Freemasonry as are clearly defined in its ritual, among which are its signs, tokens, words, and the legend of the Third Degree.

That every candidate for admission to the privileges of Freemasonry must before initiation declare his belief in one ever living and true God, the Creator and Ruler of the Universe, and in the immortality of the soul.

That every candidate for the honors of Freemasonry must be a man, free born, of mature and discreet age, no eunuch, no woman, no immoral or scandalous man, but of good report, having no maim or defect in his body or mind that may render him incapable of learning and practising the art.

That every Mason is bound by his covenants to have respect for and obedience to the civil law of the country, and the Masonic regulations of the jurisdiction in which he may reside.

That no candidate or brother can be questioned as to his peculiar mode of religious faith or political opinion, nor can any discussion upon such subjects be permitted in any assembly of the Craft.

That the right of a Lodge to judge for itself who shall be admitted to initiation or affiliation therein is inherent and indefeasible, not subject to dispensation or legislation of any kind or from any source whatever.

That the ballot for candidates is always strictly secret and inviolable.

That the Master of a Lodge having decided any question, there is no appeal from his decision to the Lodge.

That a Lodge cannot try its Master.

That it is the prerogative of the Grand Master to preside over every assembly of the Craft in his jurisdiction, whether Grand or subordinate, and to exercise the executive functions of the Grand Lodge during its recess.

THE 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

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 'tis now though 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 else 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, not 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 Employment for him, and unless he be a perfect Youth, having no Maim or Defect in his Body, that may render him incapable 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 *Lodges*, 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 *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 a 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, 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 disoblising 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*.

Behavior 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 conducted 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*.

Behavior 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*.

Behavior 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*.

Behavior 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.

Behavior 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 Cap-stone, 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 further. 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 be 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.

THE ATHOLL CHARTER

The following is an exact copy of the ORIGINAL CHARTER of the Grand Lodge of the State of New York:

No. 219

(Seal)

ATHOLL, Grand Master
WM. DICKEY, D. G. M.
JAMES JONES, S. G. W.
JAS. READ, J. G. W.

TO ALL WHOM IT MAY CONCERN:

WE THE GRAND LODGE, of the Most Ancient and Honourable FRATERNITY OF FREE AND ACCEPTED MASONS, (according to the old Constitutions granted by his Royal Highness Prince EDWIN, at York, Anno Domini. Nine Hundred Twenty and Six, and in the year of Masonry, Four Thousand Nine Hundred Twenty and Six), in ample Form assembled, viz: The Right Worshipful and Most Noble Prince JOHN the Third, Duke, Marquis and Earl of ATHOLL, Marquis and Earl of Tullibardine, Earl of Strathtay and Strathardle, Viscount of Balquider, Glenalmond and Glenlyon, Lord Murray Belveney and Gask, Heretable Captain and Constable of the Castle and Constabulary of Kincleaven, Hereditary Keeper of the Palace of Falkland, one of Sixteen Peers of Scotland, and in that part of Great Britain called England and Masonical Jurisdiction thereunto belonging, GRAND MASTER OF MASONS; the Right Worshipful WILLIAM DICKEY, Esquire, Deputy Grand Master; the Right Worshipful JAMES JONES, Esquire, Senior Grand Warden; the Right Worshipful JAMES READ, Esquire, Junior Grand Warden; with the approbation and Consent of the Warranted Lodges held within the Cities and Suburbs of London and Westminster, do, by these Presents, authorize and empower our Trusty and Well-beloved Brethren, Free and Accepted Ancient Masons, who at the time of this present Writing, are or hereafter shall become Inhabitants of the Province of New York, in North America, to congregate, form and hold a Provincial Grand Lodge in the City of New York and Province of New York, aforesaid, independent of any former Dispensation, Warrant or Constitution, ordered, given or granted by US, or any of our Predecessors, Grand Masters of England, to any Mason or Masons residing within the Masonical Jurisdiction, aforesaid; such Provincial Grand Lodge, when duly constituted, to be held Annually, Half-yearly, Quarterly, Monthly, or at any reasonable Time or Times as occasion shall require. And We do hereby nominate, constitute and appoint Our Right Trusty and Well-beloved Brother the Reverend WILLIAM WALTER, Master of Arts, to be our Provincial GRAND MASTER; our Right Trusty and Well-Beloved Brother JOHN STUDHOLME BROWNING, Esquire, to be our Provincial SENIOR GRAND WARDEN; and our Right Trusty and Well-Beloved Brother the Reverend JOHN BEARDSLEY, Master of Arts, to be our Provincial JUNIOR GRAND WARDEN, with the Masonical Jurisdiction aforesaid; who together with the aforesaid Provincial Grand Master and his Deputy, when

appointed and installed, and Provincial Grand Wardens, shall be addressed by the Stile and Title of the Right Worshipful Provincial Grand Master, Grand Warden, &c. And We do hereby further authorize and empower our said Right Worshipful Provincial Grand Master, William Walter, his Deputy, and Grand Wardens, John Studholme Browning, Esq., and John Beardsley, with the Approbation and Advice of their GRAND LODGE, to grant Dispensations, Warrants and Constitutions, for the congregating and making FREE AND ACCEPTED MASONS, forming and holding of Lodges within the Jurisdiction aforesaid, according to the most Ancient and Honorable Custom of the Royal Craft, in all Ages and Nations throughout the known World. And We do, by these Presents, further authorize and empower our said Trusty and Right Worshipful Brethren, the Provincial Grand Master, Grand Wardens and their legal Successors, when in regular Grand Lodge formed, to hear, adjust, and impartially determine all and singular Matters of Complaint, Dispute, Debate or Controversy, relative to the CRAFT within the Jurisdiction aforesaid; strictly requiring all and every of our Worthy and Loving Brethren within the Jurisdiction aforesaid to be conformable to all and every of the Good Rules, Orders, Issues and Decrees, which shall from Time to Time be ordered, issued or decreed by the said Right Worshipful Provincial Grand Lodge; – herein reserving to ourselves our ancient Prerogative of Hearing Appeals, and Administration of such Things as shall (*bona fide*) appear absolutely necessary for the Honor and Benefit of the Craft in General. And lastly, We do hereby authorize and empower our said Trusty and Right Worshipful Grand Master and Grand Wardens, together with their lawful Associates, being the installed Masters, Wardens, and PAST MASTERS of the Regular Lodges, within the Jurisdiction aforesaid, in GRAND LODGE assembled, to nominate, chuse and install, their Successors to whom they shall deliver this WARRANT, and invest them with their particular Jewels and Masonic Powers and Dignities as Provincial GRAND OFFICERS, &c., &c., &c. And such Successors shall in like Manner nominate, chuse, and install, &c., their Successors, &c., &c., such Installation to be upon or near every SAINT JOHN'S DAY the Twenty-fourth of June, during the Continuance of the Provincial Grand Lodge for ever. Providing the said Right Worshipful William Walter, John Studholme Browning, Esqr., John Beardsley, and all the Successors, Grand Officers of the said Provincial Grand Lodge, do continually pay due Respect to the Right Worshipful Grand Lodge of the Most Ancient and Honourable Fraternity of Free and Accepted Masons, by whom this Warrant is granted, otherwise this Warrant and Constitution to be of no Force nor Virtue. Given under our Hands and Seal of the GRAND LODGE in LONDON, the Fifth day of September, in the Year of our Lord, One Thousand Seven Hundred Eighty and One, in the year of Masonry, Five Thousand Seven Hundred Eighty and One, and in the Seventh Year of the GRAND MASTERSHIP of His Grace the Duke ATHOLL, &c., &c., &c.

(Seal)

CHAR'S BEARBLOCK, *Grand Secretary*

NOTE: This Warrant is Registered in the Grand Lodge, Vol. 8, Letter H.

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."

§ 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.

§ 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.

§ 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.

§ 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.

§ 6. The said corporation shall annually report to the Grand Lodge or General Assembly of Masons, the amount, condition, and investment of the funds in its hands, and all other matters and things relating to the concerns of the corporation.

§ 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.

§ 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 22nd day of April, in the year one thousand eight hundred and sixty-four.

CHAUNCEY M. DEPEW
Secretary of State

[L. s.]

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 the 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.

§ 4. 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 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 percent 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 the 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, such vacancy shall be filled, by election, for the unexpired term of 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 Communication 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.

CHAPTER 55

AN ACT to amend chapter three hundred and fifty of the laws of eighteen hundred and seventy-seven, entitled "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 March 13, 1885.

The People of the State of New York, represented in the Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter three hundred and fifty of the laws of eighteen hundred and seventy-seven, entitled "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-one, eighteen hundred and sixty-four, passed May thirty-one, eighteen hundred and seventy-seven is hereby amended so as to read as follows:

§ 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 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 designate by lot in the presence of the Grand Master their respective terms of office, namely: 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 trustee at an Annual Communication of said Grand Lodge from any cause other than the expiration of the term of office of said trustee, said vacancy should 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, where 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.

Whenever the Grand Lodge is not in session, the said trustees shall, upon the request of the Grand Master, render to him a full and detailed report in writing of and concerning any and all of their acts and transactions, and the books, papers, and records of said trustees shall at all times be open to examination by the Grand Lodge, the Grand Master or any committee of members of the Grand Lodge which he or it may appoint. Whenever the Grand Lodge is not in session, the Grand Master may, by a written order, suspend any trustee from office, and appoint a person qualified, as required by this act, to perform his duties, and such person shall possess all the powers and discharge all the duties of said trustee. No such suspension shall be made except for cause, nor until after an opportunity shall have been given the trustee affected thereby to be heard with regard thereto. Such suspension shall continue in force until acted upon by the Grand Lodge at its next succeeding Annual Communication, and no longer. The Grand Lodge may at any Annual Communication, and for such cause as it shall consider sufficient, remove from office any trustee elected pursuant to this act, and upon so doing shall fill the vacancy thus created by election for the unexpired term.

§ 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.

AN ACT to amend chapter fifty-five of the laws of eighteen hundred and eighty-five, entitled "An act to amend chapter three hundred and fifty of the laws of eighteen hundred and seventy-seven, entitled '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.""

APPROVED by the Governor April 11, 1890. Passed, Three-fifths being present.

The People of the State of New York, represented in the Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter fifty-five of the laws of eighteen hundred and eighty-five, entitled "An act to amend chapter three hundred and fifty of the laws of eighteen hundred and seventy-seven, entitled 'An act to incorporate the Trustees of the Masonic Hall and Asylum Fund,'" is hereby amended so as to read as follows:

§ 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," is hereby amended so as to read as follows:

§ 2. The corporation hereby created shall consist of seven 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 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 seven trustees so elected shall designate by lot in the presence of the Grand Master their respective terms of office, namely: Two of said trustees shall be designated to serve for the period of one year, two to serve for the period of two years, and three to serve for the period of three years; and annually thereafter at the Annual Communication of the Grand Lodge, two trustees shall be elected, except in every third year, when three trustees shall be elected, whose terms of office shall be for the period of three years from the date of their election; and should a vacancy occur in the office of trustees at an Annual Communication of the said Grand Lodge from any cause other than the expiration of the term 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. Whenever the Grand Lodge is not in session, the said trustees shall, upon the

request of the Grand Master, render to him a full and detailed report in writing of and concerning any and all of their acts and transactions, and the books, papers, and records of said trustees shall at all times be open to examination by the Grand Lodge, the Grand Master, or any committee of members of the Grand Lodge which he or it may appoint. Whenever the Grand Lodge is not in session, the Grand Master may, by a written order, suspend any trustee from office and appoint a person qualified, as required by this act, to perform his duties, and such person shall possess all the powers and discharge all the duties of said trustee. No such suspension shall be made except for cause, nor until after an opportunity shall have been given the trustee affected thereby to be heard with regard thereto. Such suspension shall continue in force until acted upon by the Grand Lodge at its next succeeding Annual Communication, and no longer. The Grand Lodge may, at any Annual Communication, and for such cause as it shall consider sufficient, remove from office any trustee elected pursuant to this act, and upon so doing shall fill the vacancy thus created, by election for the unexpired term.

§ 2. All acts or parts of acts inconsistent herewith, are hereby repealed.

§ 3. 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.

FRANK RICE
Secretary of State

CHAPTER 666

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," and the act amendatory thereof.

BECAME A LAW April 30, 1898, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in the 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," as amended by chapter one hundred and five of the laws of eighteen hundred and ninety, is hereby amended so as to read as follows:

§ 2. The corporation hereby created shall consist of not less than three nor more than seven persons, who shall be elected, designated, or chosen in such

other manner, and for such term, as the Grand Lodge of Free and Accepted Masons of the State of New York shall determine at its Annual Communication in June, eighteen hundred and ninety-eight; and whose successors shall be elected, designated, or chosen in such other manner, and in such number not exceeding seven nor less than three, and for such term, and subject to such power of removal, as the said Grand Lodge may from time to time by its Constitutions prescribe.

§ 2. Section three 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," 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, or devise, to an amount not exceeding five millions of dollars, for the purposes of its corporation, subject to the limitations now prescribed by law.

§ 3. Section four 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," is hereby amended so as to read as follows:

§ 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 accomodation 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, a home or homes, a school or schools, for the free education of the children of Masons, and for the relief, support, and care of worthy and indigent Masons, their wives, widows and orphans.

§ 5. All acts, or parts of acts, inconsistent herewith are hereby repealed.

§ 6. This act shall take effect on the first Tuesday in June, eighteen hundred and ninety-eight.

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 tran-script therefrom and the whole of said original law.

Given under my hand and seal of office of the Secretary of State, at the City of Albany, this 31st day of May in the year one thousand eight hundred and ninety-eight.

[SEAL]

JOHN PALMER
Secretary of State

Acts of Incorporation of Trustees of the Masonic Hall and Asylum Fund, as consolidated by the Law of 1923.

LAWS OF 1923, CHAPTER 264

AN ACT

To consolidate, revise and amend generally the several acts relating to the Trustees of the Masonic Hall and Asylum Fund. Became a Law April 24, 1923, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in the Senate and Assembly, do enact as follows:

SECTION 1. The corporation, "Trustees of the Masonic Hall and Asylum Fund," created by and existing under chapter two hundred and seventy-two of the laws of eighteen hundred and sixty-four, and the several amendments thereto, is hereby continued a body politic and corporate, with all the powers and exemptions heretofore and herein conferred upon it, and with all the powers and exemptions conferred generally upon corporations by the general corporation law, and all other general laws of the State, in so far as the same may be applicable to said corporation and not inconsistent with the provisions of this act, including the exemptions heretofore conferred upon it by its special acts of incorporation, and by subdivision seven of section four of chapter sixty-two of the laws of nineteen hundred and nine, known as the tax law.

§ 2. The corporation hereby continued shall consist of the six persons now constituting said corporation, and of their successors, not exceeding seven nor less than three in number, and who shall be elected, designated, or chosen in such other manner, and in such number not exceeding seven nor less than three, and for such period of time and subject to such power of suspension and removal, as is now provided by the constitution of the Grand Lodge of Free and Accepted Masons of the State of New York, or as such constitution by change or amendment may from time to time hereafter prescribe.

§ 3. The corporation hereby continued is hereby authorized and empowered:

1. To take and hold, absolutely or in trust, or both, real and personal property by grant, gift, purchase, devise, bequest or in any other manner, within or without the State of New York, for its corporate purposes, and to mortgage, lease, sell, exchange and dispose of the same from time to time, and to borrow money for the improvement and development of the real property owned by it, and to issue bonds or other evidences of indebtedness, and to secure the payment of the same by mortgages on said real property or otherwise, except that the said corporation shall not sell, mortgage, or lease for a longer term than twenty-one years, those parcels of real property, or any part of either, now owned by said corporation, and situate in the State of New York, the one parcel in the borough of Manhattan of the City of New York, on the northeast corner of Sixth Avenue and Twenty-third Street, and extending through to Twenty-fourth Street, and the other parcel situate partly in the City of Utica, in the County of Oneida, and partly in the County of Herkimer, without the approval of the

Grand Lodge of Free and Accepted Masons of the State of New York, first given at an Annual or a Special Communication.

2. To rent any building or buildings, or any part or parts of any building or buildings, owned by it as shall not be required for actual use and occupancy for Masonic objects and purposes, to such individuals or corporations, as the trustees may select, for mercantile and other purposes, and to sue for, recover and collect the rents from time to time accruing thereon.

3. To call in, collect and satisfy, sell, assign, hypothecate, pledge, redeem, rehypothecate and repledge any mortgages or mortgage, or other securities now or hereafter owned or held by or in the same name or custody of said corporation.

4. To invest any funds in its hands from time to time in such securities as savings banks are authorized by the laws of the State of New York to invest their funds in, and to accept, by gift, by will or otherwise, shares of the capital stock, bonds or other evidence of indebtedness issued by any other public or private corporation, and to hold the same in its discretion, except that no such stock or security which is not of the character in which said corporation is hereby authorized to invest its funds shall be held by it for a period longer than five years without the express authority of the Grand Lodge of Free and Accepted Masons of the State of New York, given at one of its regular meetings, and while the holder of any such stock to exercise all the rights and privileges of ownership, including the right to vote thereon, to the same extent that natural persons might or could do.

5. To execute and deliver all necessary papers, and to do and perform all acts and things necessary or proper for the carrying out and into effect the objects and purposes of said corporation.

§ 4. The objects of the corporation hereby continued shall be to build and maintain a Masonic hall or temple in the City of New York for the meetings and accommodation of the Grand Lodge or General Assembly of Free and Accepted Masons of the State of New York, and its officers, and for the accommodation of other Masonic bodies, and out of the funds derived from the rent or income thereof, and the funds derived by said corporation from all other sources which may be applicable thereto, to build, establish and maintain in the State of New York, an asylum or asylums, a home or homes, with hospital accommodations, a school or schools, for the relief, support and care of worthy and indigent Masons, and worthy and indigent wives, widows, and orphans (half or whole), of Masons, and for the free education of children of Masons.

§ 5. The said corporation shall report to the Grand Lodge of Free and Accepted Masons of the State of New York, at its annual meeting in each year, the amount, condition and investment of the funds in its hands, and all other matters and things relating to the concerns of the corporation; and when said Grand Lodge is not in session shall report the same to the Grand Master of Masons in the State of New York, whenever, and to such extent as he may so require, and the books, papers and records of said corporation shall at all times

be open to examination by such Grand Lodge or Grand Master or any committee of members of said Grand Lodge which it or he may appoint.

§ 6. 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," as amended by chapter five hundred and three of the laws of eighteen hundred and seventy-three, chapter three hundred and fifty of the laws of eighteen hundred and seventy-seven, chapter fifty-five of the laws of eighteen hundred and eighty-five, chapter one hundred and five of the laws of eighteen hundred and ninety and chapter six hundred and sixty-six of the laws of eighteen hundred and ninety-eight, is hereby repealed. Chapter five hundred and three of the laws of eighteen hundred and seventy-three, is also hereby repealed.

§ 7. The repeal of any law specified in section six of this act shall not affect or impair any act done, or any property right or any other right accruing, accrued or acquired, which said corporation, heretofore existing and hereby continued, had prior to the time when this act takes effect, and all such rights may be enjoyed, asserted, enforced and prosecuted by said corporation hereby continued as fully and to the same extent as if such repeal had not been effected.

§ 8. This act shall take effect immediately.

CHAPTER 241

AN ACT to amend chapter two hundred and sixty-four of the laws of nineteen hundred and twenty-three, entitled "An act to consolidate, revise and amend generally the seven acts relating to the Trustees of the Masonic Hall and Asylum Fund," in relation to number of persons constituting such corporation and investment of its funds.

APPROVED and effective May 7, 1868.

The People of the State of New York, represented in the Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter two hundred and sixty-four of the laws of nineteen hundred and twenty-three, entitled "An act to consolidate, revise and amend generally the several acts relating to the Trustees of the Masonic Hall and Asylum Fund," is hereby amended to read as follows:

§ 2. The corporation hereby continued shall consists of the six persons now constituting said corporation, and of their successors, not exceeding nine nor less than three in number, and who shall be elected, designated, or chosen in such other manner, and in such number not exceeding nine nor less than three, and for such period of time and subject to such power of suspension and removal, as is now provided by the constitution of the Grand Lodge of Free and Accepted Masons of the State of New York, or as such constitution by change or amendment may from time to time hereafter prescribe.

§ 3. Subdivision four of section three of such chapter is hereby amended to read as follows:

§ 4. To invest any funds in its hands from time to time in such securities as savings banks and/or fiduciaries are now authorized, or may hereafter be authorized, by the laws of the State of New York to invest their funds, and to accept, by gift, by will or otherwise, shares of the capital stock, bonds or other evidences of indebtedness issued by any other public or private corporation, and to hold the same in its discretion, except that no such stock or security which is not of the character in which said corporation is hereby authorized to invest its funds shall be held by it for a period longer than five years without the express authority of the Grand Lodge of Free and Accepted Masons of the State of New York, given at one of its regular meetings, and while the holder of any such stock to exercise all the rights and privileges of ownership, including the right to vote thereon, to the same intent that natural persons might or could do.

§ 5. This act shall take effect immediately.

MASONIC MEDICAL RESEARCH LABORATORY

(Formerly MASONIC FOUNDATION FOR MEDICAL RESEARCH AND HUMAN WELFARE under the following Certificate of Incorporation and subsequent amendments:)

§ 1. The name of the corporation is: Masonic Foundation for Medical Research and Human Welfare.

§ 2. The purposes of the corporation are:

To take and hold, absolutely or in trust, or both, real and personal property by grant, gift, purchase, devise, bequest or in any other manner, within or without the State of New York, for its corporate purposes.

Out of the funds derived by the corporation from all sources to make gifts or grants in aid and support of medical study or research for the amelioration and cure of human illness and disease and in other fields of human welfare.

No part of the funds of the corporation and no part of the net earnings of the corporation shall inure to the benefit of any member of the corporation or individual.

To mortgage, lease, sell, exchange and dispose of real and personal property of the corporation.

To invest any funds in its possession from time to time in such securities as savings banks are authorized by the laws of the State of New York to invest their funds in, and to accept by gift, bequest or otherwise share of the capital stock, bonds or other evidence of indebtedness issued by any other public or private corporation and to hold same in its discretion.

ARTICLE I
Membership

The Corporation shall consist of not more than (9) members who shall be the nine subscribers of its Certificate of Incorporation and their successors, who shall be nominated, elected or chosen in such manner and such number and for such period of time, and subject to such power of suspension and removal as is provided in the Certificate of Incorporation or in such other manner as the Constitutions of the Grand Lodge of Free and Accepted Masons of the State of New York may from time to time prescribe.

ARTICLE II
Directors

The Directors of the corporation shall be nine in number. They shall be members of the Corporation, and shall be elected at the annual meeting of the corporation. Suspension, removal or resignation from membership in the corporation shall operate to effect suspension, removal or resignation from the office of director.

ARTICLE III
Meetings

SECTION 1. The annual meetings of the corporation and of the directors shall be held at Masonic Hall in the Borough of Manhattan, City of New York, on the Thursday following the first Monday of May of each year.

SEC. 2. The regular meetings of the corporation and of the directors shall be held at a time, place and date determined by the Directors in the months of January, April, June and October. (As amended June 22, 1968)

SEC. 3. Special meetings of the corporation or of the directors may be called at any time by the President, and may be called by a notice in writing, signed by at least three members of the corporation.

SEC. 4. A notice of meeting shall specify the time and place of the meeting and shall be in writing, and mailed to each director at his last known Post Office address as it shall appear upon the records of the corporation, at least 7 days in advance of the meeting. Notice of special meeting shall state the purpose for which such meeting is called.

SEC. 5. A majority of the members of the corporation or a majority of directors shall constitute a quorum for the transaction of business at all meetings of the corporation.

ARTICLE IV
Officers

SECTION 1. Number of - Election

The Officers of the Corporation shall be a President, Vice President, Treasurer and Secretary.

The Officers shall be elected by the members of the corporation at its annual meeting, and the officers so elected shall hold office until their successors shall have been chosen and shall have qualified. Suspension, removal or resignation from membership in the corporation shall operate to effect suspension, removal or resignation from office.

SEC. 2. President

The President shall preside at all meetings of the corporation and of the Directors and shall discharge all the duties generally incidental to his office.

SEC. 3. Vice President

The Vice President, in the absence or disability of the President shall perform all the duties incident to the office of President.

SEC. 4. Treasurer

The Treasurer shall be the custodian of the funds and of the securities and investments of the corporation and shall deposit the same in such depository as may be designated by the Board of Directors. He shall render a statement of his accounts at the annual meeting of the corporation and at such other times as the directors may require.

In the event of a vacancy in the office of Treasurer, the Board of Directors may appoint a temporary treasurer or assistant treasurer, who shall, while so acting have the same powers and be subject to the same restrictions and regulations as the treasurer.

SEC. 5. Secretary

The Secretary shall keep an accurate record of the proceedings of the corporation; give all notices required to be given by statute or by these by-laws or by resolution of the Board of Directors; he shall have charge of the books and records of the corporation, except books of account, and shall be custodian of the seal of the corporation and shall affix same when directed so to do by the Board of Directors.

In the event of a vacancy in the office, or of the temporary or permanent absence or disability of the Secretary, the Board of Directors may appoint a temporary Secretary or Assistant Secretary, who shall, while so acting have the same powers and be subject to the same restrictions as the Secretary.

SEC. 6. Bond

The Treasurer of the Corporation at the commencement of each term of office shall execute and file with the Grand Master of Masons in the State of New York an official bond in an amount and in form and with sureties to be approved by the Grand Master, conditioned that he will pay or deliver to the corporation on its demand or as it shall direct all funds and property which shall come into his hands as such Treasurer, and that upon expiration of his term as Treasurer, he will account for and pay or deliver to the corporation, or to his successor as Treasurer all funds and property that shall have come into his hands as treasurer and remain unexpended.

ARTICLE V
Checks, Drafts, Etc.

All checks drawn on the bank account of the corporation, or drafts for the payment of money and all notes or other evidence of indebtedness of the corporation shall be signed in the name of the corporation by any two of the officers of the corporation.

ARTICLE VI
Committees

SECTION 1. Advisory Council

There shall be an Advisory Council whose function shall be to advise the members of the corporation with respect to medical study and research for the amelioration and cure of human illness and disease and any other fields of welfare, and from time to time to make recommendation with respects to agencies engaged in such fields of activity and grants thereto, and to appraise the work carried on by such agencies to whom gifts or grants have been made by the corporation.

Membership in such Advisory Council shall not be limited to members of the Fraternity of Free and Accepted Masons, but shall consists of such persons as shall be appointed thereto by vote of the Board of Directors for such number and for such terms as the Board of Directors may from time to time determine.

SEC. 2. Finance Committee

There shall be a Finance Committee consisting of three members of the Board of Directors elected thereto by vote of the Board of Directors, whose function it shall be to review and make recommendation with respect to securities and properties owned by the corporation and the investment of its cash funds.

SEC. 3. Fiscal Year

The fiscal year of the corporation shall commence on the first day of March and terminate on the last day of February.

SEC. 4. Annual Audit

The accounts of the Treasurer and the assets in his possession shall be audited annually by such auditor or accountant as shall be designated for the purpose by the Grand Master or the Finance Committee of Grand Lodge of Free and Accepted Masons of the State of New York and one copy of such audit, duly certified, shall be delivered to the President for presentation to the members of the corporation, at its next regular meeting following the conclusion of such audit.

A second copy, duly certified, shall be presented to the Finance Committee of the Grand Lodge of Free and Accepted Masons of the State of New York.

SEC. 5. Annual Report to Grand Lodge

The President shall prepare and present to the Grand Lodge of Free and Accepted Masons of the State of New York, at its annual communication in each

year, a report of the transactions of the corporation which report shall include the report of the Treasurer in such form as shall be prescribed by the Finance Committee of the Grand Lodge of Free and Accepted Masons of the State of New York.

ARTICLE VII

Notice

Whenever any notice is required by these by-laws to be given, personal notice shall not be required unless expressly so stated and any notice shall be deemed to be sufficient if given by depositing the same in a Post Office Box in a sealed postpaid wrapper, addressed to the persons entitled thereto, at their last known post office addresses as they shall appear upon the records of the corporation and such notice shall be deemed to have been given on the day of mailing.

ARTICLE VIII

Amendment

These by-laws may be amended by affirmative vote of a majority of the members of the corporation, taken at any meeting of the corporation, provided that notice of the proposed amendment shall have been stated in the notice of the meeting.

DATED: NEW YORK, N.Y.
October 23, 1947

AMENDMENT OF THE CERTIFICATE OF INCORPORATION OF THE MASONIC FOUNDATION FOR MEDICAL RESEARCH

1. The name of the Corporation is MASONIC FOUNDATION FOR MEDICAL RESEARCH. The name under which the Corporation was formed is MASONIC FOUNDATION FOR MEDICAL RESEARCH AND HUMAN WELFARE.

2. The certificate of its incorporation was filed by the Department of State on October 23, 1947. The said Corporation was formed under Article II of the Membership Corporation Law. Three Amendments to the certificate have been filed with the Secretary of State on February 8, 1972; May 9, 1972 and June 7, 1973, respectively.

3. The MASONIC FOUNDATION FOR MEDICAL RESEARCH is a Corporation as defined in subparagraph (2) (5) of Section 102 (Definitions) and is a Type B Corporation under Section 201 (Purposes) of the Not-For-Profit Corporation Law.

4. The post-office address to which the Secretary of State shall mail a copy of any notice required by Law is 71 West 23rd Street, New York, N.Y. 10010.

5. The Certificate of Incorporation of MASONIC FOUNDATION FOR MEDICAL RESEARCH is hereby amended:

A. To change the corporate name. Paragraph "1" of the Certificate of Incorporation is amended to read:

"1. The name of the Corporation is:

MASONIC MEDICAL RESEARCH LABORATORY".

- B. To effect an enlargement of the corporate purposes pursuant to Section 801 (b) (2) of the Not-For-Profit Corporation Law, Paragraph 2 of the Certificate of Incorporation is named to read:

"2. The purposes of the Corporation are:

To establish and maintain a medical research laboratory in the City of Utica, New York and to further, by laboratory research, clinical study, publication and teaching, the knowledge of cardio-vascular disease, cancer, gerontology and other biomedical problems, and the application of such knowledge to the prevention, cure and treatment of human illness and disease.

Nothing herein contained shall authorize the corporation to operate a hospital or to provide hospital service or health related service as defined in Article 28 of the Public Health Law.

To solicit, take and hold, absolutely or in trust for the stated charitable purposes of the corporation, or both, real and personal property by grant, gift purchase, devise, bequest or in any other manner, within or without the State of New York, for its corporate purposes.

Out of the funds derived by the corporation from all sources to make gifts or grants in aid and support of medical study or research for the amelioration and cure of human illness and disease and in other fields of human welfare.

No part of the funds of the corporation and no part of the net earnings of the corporation shall inure to the benefit of any member of the corporation or individual.

To mortgage, lease, sell, exchange and dispose of real and personal property of the corporation.

To invest any funds in its possession from time to time in such securities as savings banks are authorized by the laws of the State of New York to invest their funds in, and to accept by gift, bequest or otherwise, shares of the capital stock, bonds or other evidence of indebtedness issued by any other public or private corporation and to hold the same in its discretion.

To do and perform all acts and things necessary or proper for the carrying out and into effect the objects and purposes of the corporation."

6. The above amendment to the Certificate of Incorporation was authorized by the unanimous vote of all members entitled to vote thereon at a meeting of the members hold on January 16, 1976.

7. The following approvals and consents were endorsed on and annexed to the Certificate of Incorporation of the Masonic Foundation For Medical Research and Human Welfare.

The approval of a Justice of the Supreme Court for the First Judicial District.

Prior to the delivery of this Certificate of Amendment to the Department of State for filing, the approval and consent of a Justice of the Supreme Court for the First Judicial District will be endorsed upon or annexed hereto.

MASONIC MEDICAL RESEARCH LABORATORY
 Corporation Office
 71 West 23rd Street, New York, N.Y. 10010

June 23, 1977

To whom it may concern:

This is to certify that on January 16, 1976 a Resolution was introduced and passed unanimously at the meeting of the Board of Directors of the Masonic Foundation for Medical Research authorizing and directing that the name of the Foundation be changed to Masonic Medical Research Laboratory

Accordingly, an Amendment of the Certificate of Incorporation was prepared and all approvals were obtained and the said Certificate of Amendment of the Certificate of Incorporation was filed with the Secretary of State of the State of New York on August 20, 1976.

This organization is known as "MASONIC MEDICAL RESEARCH LABORATORY".

JOHN K. MOUNTFORD
 Director and Counsel

CERTIFICATE OF INCORPORATION OF
 MASONIC BROTHERHOOD FOUNDATION, INC.

(Under Section 402 of the Not-For-Profit Corporation Law)

The undersigned for the purpose of forming a corporation under Section 402 of the Not-For-Profit Corporation Law, hereby certifies:

§ 1. The name of the corporation is "Masonic Brotherhood Foundation, Inc."

§ 2. The corporation has not been formed for pecuniary profit or financial gain, and no part of the assets, income or profit of the corporation is distributable to, or inures to the benefit of, its members, directors, or officers, except to the extent permitted under the Not-For-Profit Corporation Law.

§ 3. The purposes for which the corporation is to be formed are:

(a) Subject to the limitations hereinafter set forth in subparagraph (g), to promote brotherhood and goodwill among mankind;

(b) Subject to the limitations hereinafter set forth in subparagraph (g), to stimulate interest in and provide information concerning the Masonic education and benevolent objects sponsored by, conducted by, and/or participated in, by or under the auspices of the Grand Lodge of Free and Accepted Masons of the State of New York and Masons throughout the World;

(c) To mortgage, lease, sell, exchange, and dispose of real and personal property of the Corporation;

(d) To do and perform all acts and things necessary or proper for the carrying out and into effect the objects and purposes of the Corporation; nothing

herein shall authorize this Corporation, directly or indirectly, to engage in or include among its purposes, any of the activities mentioned in Not-For-Profit Corporation Law, Section 404 (b) - (p) or Executive Law, Section 757. In furtherance of its corporate purposes, the Corporation shall have all general powers enumerated in Section 202 N-PCL, together with the power to solicit grants and contributions.

(e) No part of the funds of the Corporation and no part of the net earnings of the Corporation shall inure to the benefit of any member of the Corporation or individual;

(f) No part of the activities of the Corporation shall be carrying on propaganda, or otherwise attempting to influence legislation, or participating in, or intervening in (including the publication or distribution of statements), any political campaign on behalf of any candidate for public office.

(g) to give, convey, or assign any of its property or funds outright, or upon lawful terms regarding the use thereof, to other organizations provided that: (1) such organizations shall be organized and operated exclusively for charitable and/or educational purposes; (2) transfers of property or funds to such organizations shall, to the extent then permitted under the statutes of the United States Government, be exempt from gift, succession, inheritance, estate or death taxes (by whatever name called) imposed by the United States Government; and (3) such organizations shall, to the extent then permitted under the statutes of the United States Government, be exempt from income taxes imposed by the United States Government.

(h) Upon dissolution of the Corporation, and subject to an Order of a Justice of the Supreme Court of the State of New York, to distribute all of its funds to the Trustees of The Masonic Hall and Asylum Fund or the Masonic Foundation for Medical Research and Human Welfare, in such proportions as the Board of Directors shall determine, provided that at the time of such distribution the Trustees of The Masonic Hall and Asylum Fund and the Masonic Foundation for Medical Research and Human Welfare are organizations described in subparagraph (g) of this paragraph.

§ 4. The Corporation is a Type B Corporation.

§ 5. The office of the Corporation is to be located in the City of New York, County of New York. The territory in which the Corporation's activities are principally to be conducted is the State of New York.

§ 6. Prior to delivery to the Department of State for filing, all approvals or consents required by law will be endorsed upon or annexed to this certificate.

§ 7. The names and residences of the directors until the first annual meeting are:

LLOYD S. COCHRAN

5 Davison Road,
Lockport, N.Y. 14094

GEORGE C. DIETEL

Williston Park, N.Y. 11596

WENDELL K. WALKER

101 West 12th Street
New York, N.Y. 10011

§ 8. The post office address to which the Secretary of State shall mail a copy of any notice required by law is 71 West 23rd Street, New York, N.Y. 10010.

§ 9. The subscriber is of the age of nineteen years or over.

IN WITNESS WHEREOF, this Certificate has been signed by the subscriber this 26th day of February, 1973.

Wendell K. Walker
101 West 12th Street
New York, N.Y. 10010

STATE OF NEW YORK, }
COUNTY OF NEW YORK } ss:

On the 26th day of February, 1973, before me personally came Wendell K. Walker to me known and known to me to be the individual mentioned and described in the foregoing Certificate, and he duly acknowledges that he executed the same.

F. ALLEN ROHDE
Notary Public, State of New York
No. 603330520
Qualified in Westchester County
Commission Expires March 30, 1973

I, Wilfred A. Waltemade, a Justice of the Supreme Court of the State of New York, First Judicial District, do hereby approve the foregoing Certificate of Incorporation of Masonic Brotherhood Foundation, Inc.

DATED: NEW YORK, NEW YORK
March 7, 1973

Wilfred A. Waltemade
Justice of the Supreme Court
First Judicial District

BLANK FORMS

1

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 Freemasonry, respectfully represent - That they are desirous of forming a Lodge in the (Town or City) of, County 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; Bro. C. D. to be the first Senior Warden, and Bro. E. F. to be the first Junior Warden, of said Lodge. If the prayer of this petition be granted, they promise a strict conformity to the edicts of the Grand Master, and the Constitutions, Laws and Regulations of the Grand Lodge.

NAME	LODGE, NO.	RESIDENCE
------	------------	-----------

2

FORM OF CERTIFICATE

(RECOMMENDING A DISPENSATION TO ESTABLISH A NEW LODGE)

At a Stated Communication of Lodge, No.*duly summoned for the purpose, held at, in the County of, on the day of, 19....., the following resolution was adopted:

"Resolved, That this Lodge recommends the petition of Brothers A. B., C. D., E. F., and others, praying for a dispensation to establish a new Lodge at ., by the name of Lodge, and recommends that the prayer of the petition be granted."

In witness whereof, we have caused our Lodge seal to be hereunto [SEAL] affixed and our Secretary to subscribe his name hereto.

....., Secretary

3

FORM OF CERTIFICATE FOR LODGE CERTIFYING TO PROFICIENCY OF PROPOSED MASTER AND WARDENS

THIS IS TO CERTIFY, that at a Communication of Lodge, No., Bros. A. B., C. D., and E. F., the proposed Master and

* Summons not mandatory.

Wardens of Lodge, exemplified the work of the three degrees and are competent to confer same and impart the lectures.

In witness whereof, we have caused this certificate to be signed by [SEAL] our Secretary and attested by the seal of the Lodge.

....., Secretary

4

FORM OF PROXY, TO REPRESENT A LODGE

THIS IS TO CERTIFY, that at a Communication of Lodge, No., held on the day of A. L., 59 , Brother , Past Master, and a of this Lodge, was duly elected proxy, to represent this Lodge in the Grand Lodge of the State of New York, at the next succeeding Communication thereof.

Given under my hand and the seal of the Lodge, this day [SEAL] of A. L., 59

....., Secretary

5

FORM OF A DIMIT FOR A BROTHER WHO WITHDRAWS FROM MEMBERSHIP

GRAND LODGE OF NEW YORK

TO ALL FREE AND ACCEPTED MASONS WHOM IT MAY CONCERN, GREETING:

..... Lodge, No., acknowledging the jurisdiction of the Grand Lodge of the State of New York, F. & A. M.

THIS IS TO CERTIFY, that Brother , whose name appears in the margin of this Dimit, is a Master Mason, that he was a member of this Lodge in good standing and is clear of the books, and as such we cordially commend him to the fraternal regard of all true Free and Accepted Masons, wherever dispersed around the globe.

In testimony whereof we have caused this Dimit to be signed by the [LODGE SEAL] Master, and the seal of the Lodge to be attached this day of A. L., 59

....., Master
....., Secretary

THIS IS TO CERTIFY that Lodge No. is a legally constituted Lodge under the jurisdiction of the Grand [GRAND LODGE SEAL] Lodge of the State of New York.

....., Grand Secretary

6

FORM OF CERTIFICATE FOR A BROTHER UNAFFILIATED,
WHO SUBSEQUENTLY PAID HIS DUES

TO WHOM IT MAY CONCERN, GREETING:

..... Lodge, No., 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 hereof, is a Master Mason, that he was a member of this
Lodge, and has paid all his indebtedness thereto, and ceased to be a member
thereof.

In testimony whereof we have caused this certificate to be signed by
[LODGE the Secretary, and the seal of the Lodge to be attached this day
SEAL] of, A. L., 59

....., Secretary

THIS IS TO CERTIFY that Lodge No.
[GRAND is a legally constituted Lodge under the jurisdiction of the Grand
LODGE Seal] of the State of New York.

....., Grand Secretary

7

FORM OF SUMMONS FOR NON-PAYMENT OF DUES

FREETOWN, N.Y., September 29, 1896

BRO. JOHN SMITH:

You are hereby summoned to pay your arrears of dues amounting to
\$, or show cause within thirty days of the date hereof, why you should
not be unaffiliated for non-payment.

By order of

....., Master

[SEAL]

(Signed)

HENRY JONES, Secretary

8

FORM OF SUMMONS TO ELECTION OF OFFICERS

BRO. THOMAS BROWN:

You are hereby summoned to attend the Stated Communication of Patriot
Lodge, No. 989, to be held in its Lodge room at Freetown on the 9th day of Oc-
tober, 1896, at 8 P.M., for the purpose of electing officers for the ensuing year.

By order of

....., Master

[SEAL]

(Signed)

JOHN JONES, Secretary

9

FORM OF SUMMONS TO ACT ON REMOVAL OF A LODGE

FREETOWN, N.Y., August 11, 1896

BRO. THOMAS SMITH:

You are hereby summoned to attend the Stated Communication of Patriot Lodge, No. 989, to be held in its Lodge room at Freetown on the 21st day of August, 1896, at 8 P.M., to take action upon the question of the proposed removal of this Lodge to the village of Hopkins.

By order of

....., Master

[SEAL]

(Signed) JOHN BROWN, Secretary

10

FORM OF NOTICE TO ACT ON CHANGE OF BY-LAWS

BRO. JOHN SMITH:

You are hereby notified to attend the Stated Communication of Patriot Lodge, No. 989, to be held in its Lodge-room at Freetown on the 16th day of May, 1890, at 8 P.M., for the purpose of acting on the following proposition to amend the by-laws:

ART. 1, SEC. 2. "The Stated Communication of this Lodge shall be held on the second and fourth Mondays."

By order of

....., Master

[SEAL]

(Signed) HENRY JONES, Secretary

(NOTE. If the amendatory clause of by-laws requires the Lodges to be summoned, substitute the word "summoned" for "notified.")

BENEVOLENT ORDERS LAW

C

C

C

BENEVOLENT ORDERS LAW

Chapter 3 of the Consolidated Laws so far as applicable to a Lodge of Free and Accepted Masons

SECTION 2. *Organization.* - A Lodge 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. . . may elect at any regular communication ... held in accordance with the constitution and general rules and regulations of such Grand Lodge ... and in conformity to its own By-Laws.... not less than three nor more than five Trustees for each Lodge ... who shall be members thereof in full membership and in good and regular standing therein; and may file in the office of the Secretary of State, a certificate of such election, signed and acknowledged by the first three elective officers of such Lodge ... stating the time and place of such election and that the same was regular, the names of such Trustees, and the term, severally, for which they are elected to serve, and the name of the Lodge ... for which they are elected.

§3. *Powers.* - Such Trustees may take, hold and convey by and under the direction of such Lodge, . . . all the temporalities and property belonging thereto, whether real or personal, and whether given, granted or devised directly to it or to any person or persons for it, or in trust for its use and benefit, and may sue for and recover, hold and enjoy all the debts, demands, rights and privileges, and all buildings and places of assemblage, with the appurtenances, and all other estate and property belonging to it in whatsoever manner the same may have been acquired, or in whose name soever the same may be held, as fully as if the right and title thereto had been originally vested in them; and may purchase and hold for the purpose of the Lodge ... other real and personal property, and demise, lease and improve the same. They may also issue their bonds or other evidences of indebtedness in such amounts and for such time and in such form as they shall determine for the exclusive purpose of raising money to pay for any real estate purchased and held by them, and for the improvement of the same, as hereinabove provided, and may mortgage such real estate for the purpose of securing the bonds or other evidences of indebtedness so issued by them. The proceeds of such bonds or other evidences of indebtedness shall be applied exclusively to pay for such real estate and the improvement thereof. Every such Lodge.... may make rules and regulations, not inconsistent with the laws of this State, or with the constitution or general rules or laws of the Grand Lodge or other governing body to which it is subordinate, for managing the temporal affairs thereof, and for the disposition of its property and other temporal concerns and revenue belonging to it, and the secretary and treasurer thereof, duly elected and installed according to its constitution and general regulations and law, shall, for the time being, be, ex-officio, its secretary and treasurer. No board of trustees for any Lodge...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 ... 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.

§4.1 *Terms of Trustees.* - The persons first elected trustees of such Lodge, . . . Shall be divided by lot by the officer making the certificate of election, so that the term of one shall expire on the day of the festival of Saint John the Evangelist, next thereafter, and another in one year, and the third in two years thereafter. . . . One trustee shall annually thereafter be elected by such Lodge.... 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 its constitution, bylaws and regulations; and a certificate of such election under the hands of such officers and the seal of the Lodge, . . . if it has any shall be made, and shall be evidence of such election, and entitle the person so elected to act as trustee.

§4.2 *Vacancies.* - If any trustee dies, resigns, demits, is suspended or expelled, removes from the State, or becomes incapacitated for performing the duties of his office, his office shall be deemed vacant. Such Lodge . . . may, at any regular communication ... fill any vacancy in the office of trustee, by ballot, which election shall be certified in like manner and with like effect as an annual election, and the person so elected shall hold his office during the unexpired term of the trustee, whose place he was elected to fill.

§4.3 *Increasing Number.* - In the event that any such Lodge . . . shall, in accordance with the constitution and general rules and regulations of its grand lodge, . . . and in conformity to its own By-Laws, . . . determines to increase the number of its trustees from three to five, the two additional trustees shall be first elected at the same time as the trustee elected to succeed whichever of the previously elected trustees whose term first expires. At such election each of the three trustees elected shall, by lot, be assigned a term of one, two or three years, as the case may be. Thereafter all trustees shall be elected for terms of three years.

1994 } §4.4 *Commencement of Terms.* - Notwithstanding the provisions of subdivision one of this section, trustees of Lodges of Free and Accepted Masons shall be elected and their terms commence at the first stated Lodge communication next following the Grand Lodge Annual Communication.

§5. *Powers of Trustees.* - Such trustees shall have the care, management and control of all the temporalities and property of the Lodge, . . . and they shall not sell, convey, mortgage or dispose of any property except by and under its direction, duly had or given at a regular or stated communication, . . . according to its constitution and general regulations. They shall at all times obey and abide by the directions, orders and resolutions of such Lodge, . . . duly passed at any regular or stated communication . . . thereof not in conflict with the constitution and laws of this State or of the grand body to which it shall be subordinate, or of such Lodge. . . . If a Lodge of Free and Accepted Masons, . . . surrender

its warrant to the grand body to which it is subordinate or is expelled or becomes extinct, according to the general rules or regulations of such body, the trustees then in office shall, out of the property belonging to such Lodge, satisfy all just debts due from it and transfer the residue of its

92.2

BENEVOLENT ORDERS LAW

property to the "Trustees of the Masonic Hall and Asylum Fund," a corporation created by 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," and unless reclaimed by such Lodge . . . within three years from such transfer, in accordance with the constitution and general regulations of such grand body, the same, with the avails or increase thereof, shall be applied by the "Trustees of the Masonic Hall and Asylum Fund," to the benevolent purposes for which such Trustees were created in and by such act.

§ 6. *Reorganization.* — Any such Lodge . . . theretofore incorporated by the laws of this State, or thereby heretofore enabled to take and hold real or personal property, or both, may surrender its act of incorporation, charter or privilege so conferred upon it, and may become enabled to take and hold real or personal property, or both, under the provisions of this chapter, on making and filing a certificate in the manner specified in this chapter, and stating therein, in addition to what is required in such a certificate, the surrender of such act of incorporation, charter of privilege, specifying the same. The property theretofore held and possessed by it shall be fully vested in its trustees, who shall have all the rights, powers and privileges, and be subject to all the provisions of this chapter.

§ 7. *Joint Corporations.* — Any number of Masonic bodies within the State, chartered by the Grand Lodge of Free and Accepted Masons of the State of New York, . . . may unite in forming a corporation, providing they do not hold membership in a similar organization, for the purpose of acquiring, constructing, maintaining and managing a hall, temple or other building, or a home for the aged and indigent members of such order, and their dependent widows and orphans, and of creating, collecting and maintaining a library for the use of the bodies uniting to form such corporation, but the membership of any such Lodge . . . will be dependent upon its continued allegiance to the governing body by whom it was chartered, installed, and under whose general rules and regulations it exists. Each body hereafter uniting to form such corporation shall, at a regular meeting thereof, held in accordance with its constitution and general rules and regulations or by-laws, elect a member thereof for a term of either one, two or three years, as the rules, regulations and by-laws of the body may prescribe, to represent it in such corporation.

If the bodies uniting to form such corporation shall exceed thirty in number then the representatives elected as hereinbefore provided, shall assemble annually at a time and place fixed by the constitution, by-laws, rules and regulations of the corporation and shall elect from amongst themselves a president, vice-president, secretary and treasurer, each of whom shall be ex-officio trustee of the corporation, and not less than nine or more than twenty-four other trustees. In case six or less bodies unite to form such corporation, the number of trustees to be elected from each body shall not be less than one or more than three, who shall be elected in the manner above prescribed and whose certificate of election shall be made and filed in the manner and form above prescribed.

The trustees so elected shall make, acknowledge and file with the Secretary of State a certificate stating the name of the corporation to be formed and endorsed thereon the written consent of the grand body to which it is subordinate, if so required by the general rules and regulations of such superior body, its purposes and objects, the names and places of residence of the trustees, the names of the bodies which they respectively represent, the names of the bodies uniting to form the corporation and their location, and the name of the town, village or city and the county where such building is, or is to be located; and thereupon the several bodies so uniting shall be a corporation for the purposes specified in such certificate.

§ 8. *Trustees.* — The persons executing such certificate and named therein shall be the board of trustees of such corporation. If but two bodies unite to form such corporation, its by-laws may prescribe the terms of office of the trustees. If more than two bodies so unite, the trustees shall divide themselves by lot into three classes, not including, however, the president, vice-president, secretary and treasurer, if such officers shall have been elected as provided in section hereof, who shall be one-year trustees, so that the term of office of the first class shall expire in one year; the term of office of the second class, in two years; and the term of office of the third class, in three years, provided, however, that no trustee shall continue as such after he has ceased to be a representative.

On a vacancy occurring in the office of trustee of such corporation, the body which he represented shall fill such vacancy, provided the bodies uniting to form such corporation do not exceed thirty in number, and the person so chosen shall hold office for three years, if chosen on the expiration of the term of his predecessor, and otherwise, until the expiration of the original term.

But if the bodies uniting to form such corporation exceed thirty in number, then any vacancy occurring by reason of the expiration of a term or by failure of any trustee to be re-elected as a representative, shall be filled for three years or for the balance of the unexpired term as the case may be, by the representatives in annual session; and any vacancy occurring otherwise than as above specified shall be filled until the next annual meeting of the representatives of the body that has lost representation by reason of the vacancy, when it shall be filled by said representatives for the remainder of the unexpired term. If the bodies uniting to form such corporation exceed thirty in number, then the representatives, but if less than thirty in number then the board of trustees, may adopt or prescribe rules and regulations for the admission as members of such corporation of other bodies chartered or instituted by the same general governing body as any of the bodies named in such certificate, or by any superior or higher jurisdiction or governing body of the order to which any of such bodies belong, and may prescribe rules and regulations for the withdrawal, expulsion or suspension of any body or bodies having membership in such corporation when the representatives of such corporation exceed thirty in number.

Where the bodies uniting to form such corporation do not exceed thirty in number, the board of trustees shall fix the term of office of such trustees

elected to represent new members of such corporation at one, two or three years, and shall so apportion such new trustees that as nearly as possible the terms of office of one-third of the trustees of such corporation shall expire annually.

* * * * *

Every corporation formed under this chapter must file annually, immediately after its annual meeting, in the clerk's office of the county where such building is or is to be located, a certificate giving the names and addresses of the principal officers of the corporation and the names and addresses of the members of the board of trustees, and the names and location of all bodies admitted to or withdrawn or expelled from membership since the filing of the last preceding certificate.

And the several bodies comprising such corporation may by a two-third vote of all the members present at any regular or special meeting, notice whereof has been duly given according to the constitution, rules and regulations of such body, adopt by-laws, rules and regulations for the management and government of such hall, temple, or other building not inconsistent with the laws of the State or the constitution, general rules or laws of the Grand Lodge or other governing body to which it is subordinate and may therein provide for the disposition of the revenues arising therefrom and may in such by-laws, rules and regulations limit and define the purposes and uses to which the net revenue from said hall, temple or other building shall be applied, and when the same shall be concurred in by all of said bodies, they shall be binding on said corporation and thereafter said net income shall not be devoted or applied to any other purpose.

§ 9. *Powers of Joint Corporations.* - Such corporations may acquire real property in the town, village or city in which such hall, home, temple or building is or is to be located, and erect such building or buildings thereupon for the uses and purposes of the corporation, as the trustees may deem necessary or repair, rebuild or reconstruct any building or buildings that may be thereupon and furnish and complete such rooms therein as may appear necessary for the use of such bodies or for any other purposes for which the corporation is formed; and may rent to other persons any room in such building or any portion of such real property. Until such real property shall be acquired or such building erected or made ready for use, the corporation may rent and release such rooms or apartments in such town, village or city as may be suitable or convenient for the use of the bodies mentioned in such certificate, or of such other bodies as may desire to use them, and the board of trustees may determine the terms and conditions on which rooms and apartments in such building or buildings, when erected, or which may be leased, shall be used and occupied. Before such corporation composed of not more than thirty bodies shall purchase or sell any real property, or erect or repair any building or buildings thereupon, and before it shall purchase any building or part of a building for the use of a corporation, it shall submit to the bodies constituting the corporation the proposition to make such sale or purchase, or to erect or repair any

such building or buildings, or to rent any building or part thereof, for the use of the corporation; and unless such proposition receives the approval of two-thirds of the bodies constituting the corporation, such proposition shall not be carried into effect. The evidence of the approval of such proposition by any such body shall be a certificate to that effect signed by the presiding officer and secretary of the body, or the officers discharging duties corresponding to those of the presiding officer and secretary, under the seal of such body. But where land is purchased for the purpose of erecting a hall, home or temple thereon, the buildings upon such land at the time of such purchase may be sold by the trustees without such consent. The powers of the board of trustees of every corporation created hereunder and composed of more than thirty bodies, respecting sales, purchases and repairs, shall be fixed by the by-laws adopted by the representatives of the various bodies composing such corporation, or shall be determined by such representatives when assembled in annual session. Every corporation created hereunder shall have power to enforce, at law or in equity, any legal contract which it may make with any of the bodies composing it respecting the care and maintenance of members or other dependents of such body, the same as if such body or bodies were not members of the corporation. Any corporation created hereunder shall have power to take and hold real and personal estate by purchase, gift, devise or bequest subject to the provisions of law relating to devises and bequests by last will and testament or otherwise.

§ 10. *Mortgaging Property.* — If the funds of the corporation shall not be sufficient to pay for any real property purchased by the board of trustees in pursuance of law, or for the construction, repair or rebuilding of a suitable building or buildings, and the finishing or furnishing of apartments therefor, the corporation may issue its bonds bearing interest, semi-annually, for such additional sum as may be required therefor, and may execute to any such trustee or trustees, as the board may select, a mortgage upon its real property as security for the payment of such bonds. The proceeds of such bonds shall be applied to the payment of debts of the corporation incurred by the purchase of such real property, or the construction and repair of a building or buildings thereupon or the finishing or furnishing of apartments therein. Any of the bodies specified in section seven may invest its funds in the bonds authorized by this section to be issued.

Such corporation shall have authority also to borrow of any person or corporation such sum as in the judgment of its board of Trustees may be required to pay the cost of the construction, repair, rebuilding or reconstruction of any such building or buildings, and the finishing or furnishing of apartments therein, and to secure the payment of any moneys so borrowed, and to execute and deliver its bond for the sum so borrowed, and to secure the payment of the same by mortgage upon its real property as collateral thereto.

§ 11. *Re-incorporation of Joint Corporations.* — A corporation heretofore organized, the members whereof represent Lodges or bodies in any of the benevolent or fraternal orders mentioned or described in Section seven hereof, may by

a two-thirds vote of all its members present and voting at a regular or regularly called meeting thereof, proceed to re-incorporate under this chapter with the same name and for the same purposes for which it was originally organized. In thus proceeding to re-incorporate, the board of trustees or directors may be increased or diminished within the limits prescribed by Section seven hereof, but any decrease in such membership shall not take effect so as to affect the term of office of any trustee or director of the old corporation. Such trustees or directors and the other officers of the old corporation shall continue to serve as such under the re-organized corporation for the term for which they were originally elected or appointed. Such re-organization shall not effect a dissolution of the corporation, but shall be deemed a continuation of its corporate existence without affecting its property rights, or its liabilities, or the liabilities of its members or officers as such: but thereafter it shall have only such other rights, powers and privileges and be subject only to such other duties and liabilities as a corporation created for the same purpose under this chapter.

- § 12. * * * * *
- § 13. * * * * *

FORM OF CERTIFICATE OF ELECTION OF TRUSTEES FOR
 LODGES UNDER THE BENEVOLENT ORDERS LAW (1909)

STATE OF NEW YORK, } ss:
 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:

At a regular communication of said Lodge, held at its Lodge-room in the, on the day of, in the year 19....., in accordance with the Constitution and General Regulations of the Grand Lodge aforesaid, and in conformity to its own By-Laws, the said Lodge being desirous of having the benefits and privileges conferred by Chapter 3 of the Consolidated Laws, known as "Benevolent Orders Law," did, then and there, regularly elect three Trustees for such Lodge, for the purposes aforesaid, and for the terms hereinafter specified.

The names of said Trustees, and the term, severally, for which they were elected and allotted to serve are as follows:

1., whose term will expire on the day of the festival of St. John the Evangelist next after said election.
2., whose term will expire in one year thereafter; and
3., whose term will expire in two years thereafter.

The said persons are the first elected Trustees of said Lodge under said Law, and are and then were, members of said Lodge in full membership and in good

and regular standing therein, and have been divided by lot by the officer making the certificate of election so that their respective terms shall expire as above specified.

IN TESTIMONY WHEREOF, the first three elective officers aforesaid, and being the Master and Wardens of said Lodge, have hereto set our hands, this day of , in the year 19
..... , *Master*
..... , *Senior Warden*
..... , *Junior Warden*

STATE OF NEW YORK, }
COUNTY OF } ss:

I, the undersigned, an officer duly authorized by law to take the acknowledgment of deeds, do hereby certify, that on the day of , in the year 19 , 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 the first three elective officers of the Lodge specified in the foregoing certificate, and who have subscribed the same, and who, then and there, severally acknowledged to me the execution thereof.

SECTION 3-A. A subordinate Lodge, Chapter, Post, Council, Commandery, Temple, Court or other organization entitled to file a certificate of election of Trustees under Section two of the Benevolent Orders Law shall, while the warrant or charter for said Lodge, Chapter, Post, Council, Commandery, Temple, Court or other organization, is in force so as to entitle it to operate as a subordinate body of the Grand Lodge or other grand body under whose jurisdiction it operates, be deemed to be a corporate entity for the purpose of making contracts, incurring liabilities, and acquiring rights, and of suing and being sued in the courts of this State in its own name, but may not take, hold, lease, mortgage, convey or otherwise dispose of real property unless it shall have filed the certificate required by Section two of the Benevolent Orders Law. In the absence of fraud or bad faith, the members, officers and trustees of a Lodge, Chapter, Post, Council, Commandery, Temple, Court or other organization, enumerated in Section two of the Benevolent Orders Law, shall not be personally liable for its debts, obligations or liabilities.*

* Section 3-A is a new section added to the Law as amended by Chapter 362 of the Laws of 1937.

CODE OF PROCEDURE
OF THE
GRAND LODGE
OF
FREE AND ACCEPTED MASONS
OF THE
STATE OF NEW YORK

Effective May 6, 1942
Amended May 3, 1944
Amended May 8, 1947
Amended May 3, 1951
Amended May 2, 1956
Amended May 6, 1965
Amended May 8, 1974
Amended May 1, 1985
Amended May 6, 1986

NOTE: This Code of Procedure only makes reference to the Proctor and his function, but not to his assistants, four Regional Deputy Proctors (Constitutions, Sec. 126, amended 1985) "who shall possess the same qualifications as the Proctor, and shall perform all the duties and possess all the authority of the Proctor" for all cases assigned to them by the Proctor. Therefore, the references to the Proctor herein pertain equally to the Regional Deputy Proctors in those circumstances.

CONTENTS

CHAPTER I

PRELIMINARY PROVISIONS

	SECTION	PAGE
Title of the Code	1	105
Foundation of Masonic jurisprudence	2	105
Purpose of Masonic discipline	3	105
Regulation of Masonic disciplinary proceedings	4	105
Enumeration of Masonic offenses by individual	5	105
Enumeration of Masonic offenses by Lodge	6	106
Limitation of prosecution – general rule	7	106
Same – when charge is of felony of which accused has been convicted	8	106
Same – when charge is of misrepresentation, concealment or deceit in relation to initiation	9	106
Same – when charge is against Master or Past Master for official misconduct ..	10	106
When prosecution deemed commenced	11	106
Necessity of conviction by Masonic trial	12	106
Masonic trial defined	13	106
Date of service. Computing time	14	107
Service of papers upon attorney	15	107
Number – singular and plural	16	107

CHAPTER II

INSTITUTING A MASONIC TRIAL

Parties	20	107
Complaint defined	21	107
Charges defined	22	107
How Masonic trial instituted	23	107
Who may make complaint	24	107
Contents of complaint	25	108
Action by Grand Master upon complaint	26	108
Procedure when complaint “dismissed” by Grand Master	27	108
Dismissal of complaint by Grand Master as defense	28	108
Procedure when complaint “entertained” by Grand Master	29	108
Notification to the Proctor	30	108
How Trial Commission composed	31	108
Preparation of charges	32	108
Form of charges	33	109
Charges and notice must be served on accused	34	109
Manner of serving charges, etc., on accused	35	109
Who may make service	36	109
Proof of service	37	109
Answer by accused and effect of default	38	109
Permissible forms of answer	39	110
Time within which accused must answer	40	110
Challenge to trial commissioner – right to	41	110
Same – form of challenge	42	110
Same – duty of Proctor upon receipt of challenge	43	110
Same – by whom and how determined	44	110
Same – duty of Proctor when challenge sustained	45	111

CONTENTS

	SECTION	PAGE
Same – challenge to substituted trial commissioner	46	111
Abatement of prosecution	47	111

CHAPTER III

COMMISSIONS TO TAKE TESTIMONY

Securing commission	60	111
When and to whom issued	61	111
Settlement of interrogatories	62	111
Mandatory question in interrogatories	63	111
Transmitting interrogatories	64	112
Examiner to fix time and place for taking testimony	65	112
Compelling attendance of witness before Examiner	66	112
Testimony on interrogatories, how taken	67	112
Return of deposition	68	112
Use and effect of deposition	69	112

CHAPTER IV

PROCEEDINGS BEFORE TRIAL COMMISSION

When accused fails to answer after personal service or receipt of charges by registered mail	80	112
When accused not personally served fails to answer	81	113
When accused admits charges but pleads in mitigation	82	113
When accused denies charges or pleads exculpatory facts	83	113
Employment of stenographer	84	113
Counsel	85	113
Impeachment of witness	86	114
Witness testify how	87	114
Right of accused to confront witnesses	88	114
Securing attendance of witnesses	89	114
Evidence – generally	90	114
Same – effect of conviction by state or federal court	91	114

CHAPTER V

DETERMINATION AND DECISION OF TRIAL COMMISSION

Determination – when accused denies charges or pleads exculpatory facts	100	115
Same – when accused not personally served fails to answer	101	115
Same – when accused admits charges but pleads in mitigation	102	115
Same – when accused personally served fails to answer	103	116
Penalties impossible upon individual	104	116
Penalties impossible upon Lodge	105	116
Forfeiture of Lodge charter	106	116
Trial Commission to prepare written decision	107	116
Form of decision	108	116
Dissenting report	109	117
Filing decision – general rule	110	117
Same – recommending forfeiture of Lodge charter	111	117
Filing minutes of trial and exhibits	112	117
Notice of decision to accused, Lodge and Grand Master	113	117
Effect of decision	114	117

CONTENTS

CHAPTER VI OPENING DEFAULTS

	SECTION	PAGE
Right to open default	200	117
Application how made	201	118
Duty of Proctor before decision filed	202	118
Duty of Proctor after decision filed	203	118
Oral argument not permitted	204	118
Proctor may file statement in opposition	205	118
Decision in petition – by whom and how made	206	118
Procedure if petition granted	207	118
Procedure if petition denied	208	118
Denial of petition appealable	209	118

CHAPTER VII COSTS

What are costs	300	118
When payable by Lodge or Grand Treasurer	301	119

CHAPTER VIII APPEALS

Masonic appeal defined	400	119
Appellate authority	401	119
Sessions of Commission of Appeals – when and where held	402	119
What appealable	403	119
Who may appeal	404	119
Designation of parties	405	119
Notice of appeal	406	119
Time within which notice served	407	120
Filing notice	408	120
Extension of time not permitted	409	120
Stay of execution pending appeal	410	120
Transmitting papers to Chief Commissioner of Appeals	411	120
Notice of submission or argument	412	120
Briefs and written argument	413	120
Method of determining appeal	414	120
Decisions permissible	415	121
Effect of reversal	416	121

CHAPTER IX RESTORATION

Restoration a privilege	500	121
Petition for restoration	501	121
Notice to trial commissioners and Aggrieved Lodge	502	121
Favorable recommendation – when required	503	121
Same – when not required	504	122
Reference of petition and action thereon	505	122
Termination of suspension	506	122

C

C

C

CODE OF PROCEDURE

CHAPTER I

PRELIMINARY PROVISIONS

SECTION 1. *Title of the Code.*

This law shall be known as the Code of Procedure.

SEC. 2. *Foundation of Masonic jurisprudence.*

The foundation of Masonic jurisprudence is the common law of Freemasonry, which is to be learned from the ancient usages of the Craft as developed and interpreted from and since the year 1721.

SEC. 3. *Purpose of Masonic discipline.*

The primary purpose of Masonic discipline is to preserve the good repute and integrity of the Masonic institution by the prosecution and punishment of a particular Lodge whose acts or neglects tend to injure the Craft as a whole, or of an individual whose acts or neglects tend to injure a particular Lodge or the Craft as a whole or which have inflicted injury upon a Brother Mason. It is not intended for the determination of private disputes, whether religious, political or secular, or of differences growing out of business transactions unless such differences result from action by the accused while acting in a fiduciary capacity by means of fraud or misrepresentation or amounting to larceny as defined by the Penal Law of the State of New York.

SEC. 4. *Regulation of Masonic disciplinary proceedings.*

The method by which Masonic discipline may be invoked and Masonic offenses prosecuted, tried and punished is regulated by this Code of Procedure, but prosecutions pending at the time of its adoption shall be continued under the Code of Procedure as it theretofore existed.

SEC. 5. *Enumeration of Masonic offenses by individual.*

Masonic offenses which subject an individual offender to trial and punishment are of five kinds, viz.:

- (a) Acts or conduct tending to impair the purity of the Masonic institution or its usefulness, or to cause scandal, or to degrade it in public estimation, or which are in any wise contrary to its principles, obligations or teachings;
- (b) A violation of the Constitutions, laws, rules or edicts of Grand Lodge or failure to observe the same;
- (c) Disobedience of lawful Masonic authority;
- (d) Disobedience to process authorized by any law of Masonry, including this Code of Procedure;
- (e) Contemptuous, disrespectful or provocative language or conduct toward any lawful Masonic authority at a time and place when such authority is acting as such.

SEC. 6. *Enumeration of Masonic offenses by Lodge.*

Masonic offenses which subject an offending Lodge to trial and punishment are of four kinds, viz.:

- (a) Departure from the original plan of Masonry and Ancient Landmarks;
- (b) A violation of the Constitutions, laws, rules or edicts of Grand Lodge or failure to observe the same;
- (c) Contumacy to the authority of the Grand Master or Grand Lodge;
- (d) Disobedience to process authorized by any law of Masonry, including this Code of Procedure.

SEC. 7. *Limitation of prosecution - general rule.*

Except as hereinafter provided in Sections 8 and 9, a prosecution for a Masonic offense must be commenced within five years after the commission thereof.

SEC. 8. *Same - when charge is of felony of which accused has been convicted.*

A prosecution for an offense which constitutes a felony as defined by the Penal Law of the State of New York of which the accused has been convicted by the judgment of a court of law of competent jurisdiction may be commenced at any time within five years after the date of such judgment.

SEC. 9. *Same - when charge is of misrepresentation, concealment or deceit in relation to initiation.*

A prosecution for making any misrepresentation to the Lodge in which he was initiated, or to a committee of investigation appointed by such Lodge, or of using any concealment or deceit in relation to his initiation, may be commenced against the offender at any time.

SEC. 10. *Same - when charge is against Master or Past Master for official misconduct.*

A prosecution for official misconduct while holding the office of Master may be commenced against the Master or a Past Master of a Lodge only during the term of such Master or within one year after the expiration of the term in which such offense was committed; provided, however, that this limitation shall not apply if such misconduct shall involve moral turpitude.

SEC. 11. *When prosecution deemed commenced.*

A prosecution is deemed to be commenced when the complaint is presented to the Grand Master.

SEC. 12. *Necessity of conviction by Masonic trial.*

Save in those cases in which a Lodge, the Master or the Grand Master has inherent right to exercise disciplinary powers, no Mason may be punished for a Masonic offense except upon conviction on a Masonic trial.

SEC. 13. *Masonic trial defined.*

A Masonic trial is the proceeding by which a Brother or a particular Lodge charged with a Masonic offense is accused and prosecuted before a Trial Com-

mission appointed pursuant to the provisions of this Code of Procedure, whether or not an issue of law or fact, or both, shall have arisen by reason of an answer interposed by the accused.

SEC. 14. Date of service. Computing time.

The date of service of any paper shall be deemed to be the date of the personal delivery thereof or, if it be served by mail, the date of mailing.

In computing the time within which an act must be done, the first day shall be excluded and the last day included except where the last day is a Sunday or a legal holiday, in which case it shall also be excluded. When an act is required to be done in two days and a Sunday or a legal holiday intervenes, it must also be excluded.

SEC. 15. Service of papers upon attorney.

Except in the case of the charges and notice required by Section 35, any paper or notice required by this Code of Procedure to be served on the accused may be served by ordinary mail upon an attorney who has appeared for him.

SEC. 16. Number - singular and plural.

Words in the singular number include the plural and in the plural number include the singular.

CHAPTER II

INSTITUTING A MASONIC TRIAL

SEC. 20. Parties.

A Masonic trial is prosecuted in the name of the Brother preferring the charges, called the complainant, against the individual or particular Lodge charged with an offense, called the accused.

SEC. 21. Complaint defined.

The complaint is the allegation made to the Grand Master that an individual or a particular Lodge has been guilty of Masonic misconduct.

SEC. 22. Charges defined.

The charges are the formal allegation of the commission by the accused of some designated Masonic offense and of the facts and circumstances tending to support such allegation.

SEC. 23. How Masonic trial instituted.

A proceeding seeking the punishment of an individual Mason or of a particular Lodge through a Masonic trial shall be instituted by a complaint transmitted to the Grand Master or by charges prepared by direction of the Grand Master of his own motion.

SEC. 24. Who may make complaint.

Any Mason in good standing may prefer a complaint against another Mason or against a particular Lodge.

SEC. 25. Contents of complaint.

A complaint must be in writing, addressed to the Grand Master and signed by the Brother making it, but no precise form is prescribed. It should, however, state comprehensively, yet briefly and without needless repetition, the time, place and circumstances of the acts or omissions complained of so that the Grand Master may determine whether, if proven, they would constitute a Masonic offense and, where the facts are not personally known to the signer, it must state the sources of the signer's information and attest his belief in their truth.

SEC. 26. Action by Grand Master upon complaint.

After a complaint has been received by the Grand Master, he may direct an attempt to adjust the matter without a prosecution or he may, in his absolute discretion, determine whether or not the same shall be prosecuted or dismissed. According to his determination, he shall indorse the complaint "entertained" or "dismissed," followed by his signature and title.

SEC. 27. Procedure when complaint "dismissed" by Grand Master.

When the Grand Master has dismissed a complaint as provided in Section 26, he shall forward the same to the office of the Grand Secretary, where it shall be kept on file for a period of six years, and the Grand Secretary, with all convenient speed, shall notify the complaining Brother of the Grand Master's determination.

SEC. 28. Dismissal of complaint by Grand Master as defense.

If the Grand Master dismisses a complaint as provided in Section 26, his determination shall constitute a complete defense to any future charges based upon the particular acts or neglects alleged in the complaint dismissed.

SEC. 29. Procedure when complaint "entertained" by Grand Master.

When the Grand Master has entertained a complaint as provided in Section 26, he shall appoint a Trial Commission as provided in Section 31, and shall file the certificate of such appointment with the Grand Secretary, who in turn shall notify the Trial Commissioners of their appointment.

SEC. 30. Notification to the Proctor.

The Grand Master shall also send notification of such appointment together with the complaint to the Proctor.

SEC. 31. How Trial Commission composed.

A Trial Commission shall consist of not less than three or more than five disinterested Brethren who have attained the rank of Master and are members in good standing of at least three different Lodges other than the accused Lodge or the Lodge of which the accused is or last was a member, the first one of whom designated by the Grand Master shall be the Chairman and a majority of whom shall constitute a quorum.

SEC. 32. Preparation of charges.

As soon as conveniently may be after his receipt of a complaint which has been entertained by the Grand Master, it shall be the duty of the Proctor to pre-

pare charges against the accused predicated upon the allegations of the complaint.

SEC. 33. Form of charges.

The charges shall be entitled in the matter of Charges preferred by (naming the complainant) against (naming the accused) and shall be signed by the Proctor.

If the complaint alleges acts or neglects on the part of the accused which constitute different offenses, or different manners of committing a single offense, these may be joined in one instrument which shall describe the separate offenses as Charge I, Charge II, etc., and the different acts constituting the same offense as Specification I, Specification II, etc.

SEC. 34. Charges and notice must be served on accused.

Promptly after the charges have been prepared as provided in Section 32, the Proctor shall cause a copy of the same to be served upon the accused in the manner hereinafter particularly specified, together with a notice which shall contain the name, address and Lodge membership of each of the trial commissioners appointed to pass upon the same and a statement that if the accused shall fail to answer the charges and specifications prior to a date therein specified he will be deemed to have admitted the commission of the offense as charged or the truth of the facts alleged in the specifications.

SEC. 35. Manner of serving charges, etc., on accused.

The charges and notice prescribed in Section 34 may be served upon an accused individual either by delivering the same to him personally or by depositing the same in a properly enclosed postpaid wrapper in a post-office or in any mail box regularly maintained by the government of the United States, directed to him at the last address known by, or brought to the attention of, the Proctor or, if no later address shall have been brought to his attention, to the address of accused as it appears on the books of the Lodge of which he is or last was a member.

If the accused be a Lodge, the charges and notice may be served on the Master or Secretary of such Lodge in the same manner as is provided in the first paragraph of this Section for the service of charges upon an individual.

SEC. 36. Who may make service.

Any person over the age of twenty-one years, other than the complainant, may make service upon the accused, but, so far as may be, service should be by a Master Mason.

SEC. 37. Proof of service.

Proof of service upon an accused shall be the certificate of the person effecting it, if he be a Mason, or by his affidavit, if he be not, and in either case shall detail the time, place and manner thereof.

SEC. 38. Answer by accused and effect of default.

The accused must answer the charges and specifications in writing and serve the original and a copy of his answer upon the Proctor within the time specified

in the notice served in accordance with the provisions of Section 34, and if he shall fail so to do, shall be deemed to have admitted their truth, provided said notice was served upon him personally, or by registered mail and a registry return receipt signed by him or by someone in his behalf shall have been received.

SEC. 39. Permissible forms of answer.

An answer to the charge or charges or to any specification thereof may consist of

- (a) a general denial;
- (b) an admission with the addition of an exculpatory statement or explanation; or
- (c) an admission without exculpatory statement or explanation an either with or without a plea in mitigation of punishment.

SEC. 40. Time within which accused must answer.

The times within which the accused must answer the charges and specifications shall be as follows:

- (a) If the charges have been served by personal delivery
 - (I) within the State of New York or an adjoining state, twenty days;
 - (II) elsewhere in the United States, exclusive of Alaska, the Canal Zone, Hawaii and Puerto Rico, thirty days;
 - (III) in any other place, sixty days.
- (b) If the charges have been served by mail
 - (I) within the State of New York or an adjoining state, thirty days;
 - (II) elsewhere in the United States, exclusive of Alaska, the Canal Zone, Hawaii and Puerto Rico, forty days;
 - (III) in any other place, ninety days.

SEC. 41. Challenge to trial commissioner - right to.

In any case in which, within the time specified in the notice, the accused shall make and serve an answer to the charges, he may challenge one or more of the trial commissioners for bias, actual or implied, including consanguinity, affinity or association in business or otherwise.

SEC. 42. Same - form of challenge.

A challenge to a trial commissioner shall be in writing, stating the facts upon which the allegation of bias is predicated, which facts shall be certified by the accused to be true.

SEC. 43. Same - duty of Proctor upon receipt of challenge.

Upon receipt of a challenge to a trial commissioner, the Proctor shall furnish a copy thereof to the trial commissioner against whom the same is directed, who shall thereupon forward to the Proctor his reply thereto and such challenge and reply shall be forwarded by the Proctor to the Grand Master.

SEC. 44. Same - by whom and how determined.

The Grand Master, in his absolute discretion, may sustain or overrule a challenge to a trial commissioner. If he shall overrule, the effect shall be the same

as if no challenge had been interposed. If he shall sustain the same, he shall name a substitute commissioner and notify the Proctor of such appointment.

SEC. 45. *Same - duty of Proctor when challenge sustained.*

Upon receipt of notice of the appointment of a substitute trial commissioner, the Proctor shall, by ordinary mail, notify the accused of such appointment.

SEC. 46. *Same - challenge to substituted trial commissioner.*

The accused may challenge a substituted trial commissioner provided such challenge is received by the Proctor within ten days after the mailing of notice of the substitution if the address of the accused is within the State of New York or an adjoining state; within twenty days if it is elsewhere in the United States, exclusive of Alaska, the Canal Zone, Hawaii and Puerto Rico; or within forty-five days if it is in any other place.

SEC. 47. *Abatement of prosecution.*

A prosecution to punish for a Masonic offense shall abate upon the death of the accused but not upon the death of the complainant.

CHAPTER III

COMMISSIONS TO TAKE TESTIMONY

SECTION 60. *Securing commission.*

If either party desire the testimony of a witness who resides at a distance from the place of trial, the Proctor and the accused (either in person or by his attorney) may stipulate that such testimony be taken by commission. If, however, it be not so stipulated, the party desiring such commission may, upon at least five days' notice to the adverse party of his intention so to do, apply to the Chairman of the Trial Commission for a commission to take the testimony of such witness.

SEC. 61. *When and to whom issued.*

If it has been stipulated that the testimony of a witness be taken by commission or if, on application therefor as provided in Section 60, the Chairman of the Trial Commission shall determine that the application is made in good faith and that the testimony sought to be taken is material to the applicant, he shall issue a commission to the Master of a Lodge convenient to the residence of the witness directing and empowering him to act as Examiner.

SEC. 62. *Settlement of interrogatories.*

At the time of applying for a commission (whether on stipulation or on notice as provided in Section 60), or at such other time as shall be agreed upon or appointed by the Chairman of the Trial Commission, the parties shall submit to him for settlement their respective interrogatories and cross-interrogatories and he shall note his settlement thereof in writing upon both.

SEC. 63. *Mandatory question in interrogatories.*

Interrogatories and cross-interrogatories shall each conclude with the question: Do you know of anything concerning the matters at issue in this proceed-

ing that may tend to the advantage of the complainant (or accused, as the case may be)? If "Yes," state the same as fully and at length as if you had been particularly interrogated concerning the same.

SEC. 64. Transmitting interrogatories.

When the interrogatories and cross-interrogatories shall have been settled they, with the commission, shall be delivered to the Proctor, who shall transmit them to the Examiner named in the commission, together with a copy of the charges and answer.

SEC. 65. Examiner to fix time and place for taking testimony.

Upon receipt of the commission, the Examiner shall fix a time and place for taking the testimony of the witness named therein.

SEC. 66. Compelling attendance of witness before Examiner.

The attendance of a witness at the time and place fixed by the Examiner for taking his testimony shall be compelled, if necessary, by a summons issued and served as prescribed in Section 89, except that such summons may be signed either by the Chairman of the Trial Commission or by the Examiner.

SEC. 67. Testimony on interrogatories, how taken.

The Examiner shall read to the witness the several interrogatories and cross-interrogatories addressed to him and shall take down in writing the answers thereto in the language of the witness and shall cause him to sign his name to the end of his deposition.

SEC. 68. Return of deposition.

When the Examiner shall have finished the taking of the testimony of the witness named in the commission, he shall certify and return the commission and deposition, together with the copy of the charges and answer, to the Chairman of the Trial Commission.

SEC. 69. Use and effect of deposition.

A deposition taken as provided in this Chapter may, in the absence of the witness, be read in evidence by either party and shall have the same effect, and no other, as the oral testimony of the witness would have. Any objection to the competency of the witness, or to a question and answer, may be made as if the witness were being then personally examined; but an objection as to the form only of a question is waived unless noted upon the deposition.

CHAPTER IV

PROCEEDINGS BEFORE TRIAL COMMISSION

SECTION 80. When accused fails to answer after personal service or receipt of charges by registered mail.

If the accused shall fail to answer after the charges and notice required by Section 34 shall have been served upon him personally, or shall have been served upon him by registered mail and a registry return receipt signed by him

or by some other person in his behalf shall have been received, the Proctor shall notify the Chairman of the Trial Commission, who shall thereupon fix a convenient time and place for the Trial Commission to meet for the purpose of fixing the penalty to be imposed, at which time and place the Proctor shall be entitled to be heard.

SEC. 81. *When accused not personally served fails to answer.*

If the charges and notice required by Section 34 shall not have been served upon the accused personally and a registry return receipt signed by him or by some other person in his behalf shall not have been received and he shall fail to answer, the Proctor shall notify the Chairman of the Trial Commission, who shall thereupon fix a convenient time and place for the trial and shall designate some qualified Brother to act as counsel for the accused, to whom the Proctor shall furnish a copy of the charges together with notice of the time and place of trial, and such trial shall proceed as though a general denial had been interposed.

SEC. 82. *When accused admits charges but pleads in mitigation.*

If the accused shall admit the charges and plead facts in mitigation of punishment, the Proctor shall notify the Chairman of the Trial Commission whether the complainant is willing to accept as true the facts alleged in mitigation. If he is, the same shall be deemed true, and shall be considered by the Trial Commission in reaching its determination. If he is not, the matter shall be set down for hearing, on this issue only, in the manner provided in Section 83.

SEC. 83. *When accused denies charges or specifications or pleads exculpatory facts.*

When accused denies charges or specifications, either in whole or in part, or shall have pleaded exculpatory facts which are not accepted as true by the Proctor, the latter, upon receipt of such answer, shall deliver to each member of the Trial Commission a copy of the charges and answer; and the Chairman shall thereupon fix a convenient time and place for the trial, notice whereof shall be given by the Proctor to the accused by ordinary mail at least ten days prior to the date set if addressed to a locality in the State of New York or in an adjoining state and at least twenty days prior thereto if addressed to him elsewhere.

SEC. 84. *Employment of stenographer.*

The Trial Commission may employ a Master Mason as stenographer, who shall also act as clerk, and his reasonable charges shall be lawful expense of the trial and may be directed to be paid by such party and in such manner as the Trial Commission shall determine.

If a stenographer be not employed, the testimony of a witness shall be reduced to writing by question and answer.

SEC. 85. *Counsel.*

The complainant in all cases shall be represented by the Proctor or by such substitute as the latter may select. The accused may defend in person or he

may, at his own expense, be represented by any Master Mason in good standing acting as his attorney.

SEC. 86. Impeachment of witness.

The credibility of any witness may be impeached.

SEC. 87. Witnesses testify how.

A witness who is a Mason shall testify by virtue of his obligation and without being sworn, but one who is not a Mason shall first be sworn before some officer duly authorized to administer an oath or, if he shall refuse to be sworn, shall affirm that the testimony he is about to give will be the truth.

SEC. 88. Right of accused to confront witnesses.

It is the right of the accused to be confronted with the witnesses against him in the presence of the Trial Commission except

- (a) where the witnesses have been examined by commission as provided in Chapter III, or
- (b) where the accused has previously been tried upon charges embracing the same offense and it is shown to the satisfaction of the Trial Commission that a witness who testified at such former trial is dead, insane or cannot with due diligence be found within the State of New York, in which case his testimony may be read in evidence upon any subsequent trial of the same charges.

SEC. 89. Securing attendance of witnesses.

The attendance, on behalf of either party, of a witness who is a Mason may be enforced by a summons, on which no seal shall be required, signed by the Chairman of the Trial Commission; but no summons shall be signed by the Chairman until it bears the name of the witness whose attendance is desired. Such summons may be served by mailing a copy to the witness or by exhibiting to him the original and leaving with him a copy; and the original, indorsed by certificate or affidavit as provided in Section 37 by the person serving it with the time and manner of service, shall be delivered to the Chairman of the Trial Commission.

SEC. 90. Evidence - generally.

The rules of evidence established and recognized in courts of law of the State of New York in the ordinary administration of justice, including those which relate to the admissibility of testimony and the competency of witnesses, should be observed so far as may be consistent with the primary purpose of Masonic discipline, but, in a case in which the complainant has introduced in evidence the record of the judgment of conviction of a state or federal court, the accused may introduce in evidence a certified copy of the entire record of the trial in which such judgment was rendered.

SEC. 91. Same - effect of conviction by state or federal court.

If the Masonic offense charged is one of which the accused has been convicted in a state or federal court, a record of the judgment of such court, prop-

erly certified or exemplified, shall be presumptive evidence of the commission of such offense and sufficient to justify a conviction by a Trial Commission unless

- (a) the presumption of identity of person arising from identity or substantial identity of names be overcome by affirmative proof;
- (b) the presumption arising therefrom be overcome by affirmative proof tending to establish the innocence of the accused of the offense described in such record of judgment; or
- (c) it be proven that such judgment has been reserved or set aside.

Pending an appeal from such judgment of conviction in a state or federal court, the Grand Master may, in his discretion, stay the Masonic trial without prejudice to the proceedings theretofore had herein.

SEC. 92. *Same - standard of proof to be observed.*

The standard of proof to be observed by a trial commission in determining guilt or innocence shall be that the prosecution shall have the burden of proof of guilt by a fair preponderance of the credible evidence.

CHAPTER V

DETERMINATION AND DECISION OF TRIAL COMMISSION

SECTION 100. *Determination - when accused denies charges or pleads exculpatory facts.*

Upon the conclusion of a trial pursuant to the provisions of Section 83, in a proceeding in which the accused shall have answered denying the charges, either in whole or in part, or shall have pleaded exculpatory facts, the Trial Commission, by a majority vote, shall determine his guilt or innocence and fix the penalty, if any, to be imposed.

SEC. 101. *Same - when accused not personally served fails to answer.*

Upon the conclusion of a trial pursuant to the provisions of Section 81, in a proceeding in which the charges and notice required by Section 34 shall not have been served upon the accused personally and a registry return receipt signed by him or by some other person in his behalf shall not have been received and the accused shall have failed to answer, the Trial Commission, by a majority vote, shall determine the guilt or innocence of the accused and fix the penalty, if any, to be imposed.

SEC. 102. *Same - when accused admits charges but pleads in mitigation.*

Upon the conclusion of a trial pursuant to the provisions of Section 82, in a proceeding in which the charges are admitted and the accused pleads facts in mitigation the truth of which is in issue, the Trial Commission, by a majority vote, shall determine the truth of such issue and fix the penalty, if any, to be imposed.

SEC. 103. *Same - when accused personally served fails to answer.*

In a proceeding in which the accused fails to answer after the charges and notice required by Section 34 shall have been served upon him personally, or shall have been served upon him by registered mail and a registry return receipt signed by him or by some other person in his behalf shall have been received, the Trial Commission, by majority vote, shall fix the penalty, if any, to be imposed.

SEC. 104. *Penalties Imposable upon Individual.*

A Trial Commission may inflict upon an individual Mason any one or more of the following penalties:

- (a) Reprimand: the time, form and manner of delivery thereof to be determined by the Grand Master,
- (b) Fine,
- (c) Payment of costs,
- (d) Suspension from all the rights and privileges of Masonry for a definite time;
- (e) Suspension from all the rights and privileges of Masonry until such time as a specified fine or costs shall have been paid by him,
- (f) Expulsion.

SEC. 105. *Penalties Imposable upon Lodge.*

A Trial Commission may inflict upon a Lodge any one or more of the following penalties:

- (a) Reprimand; the time, form and manner of delivery thereof, to be determined by the Grand Master,
- (b) Fine,
- (c) Payment of costs.

SEC. 106. *Suspension or Forfeiture of Lodge Charter.*

In addition to the penalties which may be inflicted upon a Lodge under the provisions of Section 105, a Trial Commission may recommend to Grand Lodge that the Lodge charter be *suspended* or *forfeited*, but such *suspension* or *forfeiture* shall not be declared except by action of the Grand Lodge at an annual communication thereof, at which the findings of the Trial Commission shall have been submitted.

SEC. 107. *Trial Commission to prepare written decision.*

After a Trial Commission has reached its determination in accordance with the provisions hereinbefore contained, it shall, with all convenient speed, cause a written decision to be prepared which shall embody its determination.

SEC. 108. *Form of decision.*

The decision of a Trial Commissioner required by Section 107 must be signed by the trial commissioners concurring therein, must state its conclusion with respect to the guilt or innocence of the accused with respect to each separate

charge and specification contained in the charges and must state the penalty imposed, if any, but it need not contain separate findings of fact or conclusions of law.

SEC. 109. *Dissenting report.*

If the decision of a Trial Commission be not unanimous, a dissenting trial commissioner may express his dissent therefrom, either at the end of the written decision or in a separate minority opinion signed by him.

SEC. 110. *Filing decision - general rule.*

Except as provided in Sections 111 and 112, the Chairman of a Trial Commission shall, with all convenient speed, cause its original decision to be filed in the office of the Grand Secretary and a copy thereof, with notice of its filing, to be delivered to the Proctor.

SEC. 111. *Same - recommending forfeiture of Lodge charter.*

If the decision of a Trial Commission shall contain a recommendation that the charter of a Lodge be forfeited, the Chairman of such Trial Commission shall cause its original decision to be delivered to Grand Lodge at its next Annual Communication for action pursuant to the provisions of Section 337 of the Book of Constitutions.

SEC. 112. *Filing minutes of trial and exhibits.*

At the time of filing its decision as hereinbefore provided, the Chairman of a Trial Commission shall cause the minutes of all hearings and all exhibits which have been received in evidence to be filed in the office of the Grand Secretary from whose custody either party may withdraw his own exhibits if no appeal shall have been taken within the prescribed time.

SEC. 113. *Notice of Decision to Accused, Lodge and Grand Master.*

Upon receipt of a copy of the decision and the notice of its filing as provided in Section 110, it shall be the duty of the Proctor to serve the accused with a copy thereof with notice of the date of filing and to notify the Lodge of which the accused is or last was a member, as well as the Grand Master, of the finding of the Trial Commission and of the penalty, if any, which it has inflicted.

SEC. 114. *Effect of decision.*

The decision of a Trial Commission duly filed in the office of the Grand Secretary as provided in Section 110 shall be final unless reversed or modified pursuant to an appeal taken in the manner hereinbefore provided.

CHAPTER VI OPENING DEFAULTS

SECTION 200. *Right to open default.*

The accused, if he shall have failed to answer within the time hereinbefore specified for that purpose, or, having answered, shall fail to appear at the time and place fixed for trial, may apply to be relieved from his default.

SEC. 201. *Application how made.*

The application to open a default shall be by a written petition, forwarded to the Proctor and containing a statement of petitioner's reasons and excuses for his default and a statement of facts tending to indicate that he is not guilty of the charges.

SEC. 202. *Duty of Proctor before decision filed.*

If the petition to open a default be received before the filing of the decision of the Trial Commission as provided in Section 110, the Proctor shall forward the same to the Chairman of the Trial Commission.

SEC. 203. *Duty of Proctor after decision filed.*

If the petition to open a default be received after the filing of the decision of the Trial Commission as provided in Section 110, the Proctor shall forward the same to the Grand Master.

SEC. 204. *Oral argument not permitted.*

No oral argument shall be permitted on a petition to open a default.

SEC. 205. *Proctor may file statement in opposition.*

In transmitting a petition to open a default to the person authorized to pass thereon, the Proctor may submit a written statement in opposition thereto.

SEC. 206. *Decision on petition - by whom and how made.*

The granting or denial of a petition to open a default shall be determined by the Chairman of the Trial Commission or by the Grand Master, as the case may fall within the provisions of Section 202 or Section 203, by indorsing the same with his determination and, in case of a denial, with his reasons therefor. If granted by the Grand Master, the petition, with his indorsement, shall be transmitted to the Chairman of the Trial Commission.

SEC. 207. *Procedure if petition granted.*

If a petition to open a default be granted, the Chairman of the Trial Commission shall fix a time and place for trial as if no default had occurred.

SEC. 208. *Procedure if petition denied.*

If a petition to open a default be denied by the Chairman of a Trial Commission, his determination shall be filed with the decision of such Trial Commission when such decision is filed pursuant to the provisions of Section 110. If denied by the Grand Master, his determination shall be transmitted to the Proctor who shall file the same in the office of the Grand Secretary and notify the petitioner of the action taken upon his petition.

SEC. 209. *Denial of petition appealable.*

The denial of a petition to open a default shall be subject to review on appeal in the manner provided in Chapter VIII.

CHAPTER VII

COSTS

SECTION 300. *What are costs.*

Costs shall include only the actual expenses of a trial.

SEC. 301. When payable by Lodge or Grand Treasurer.

When a Trial Commission shall impose upon either party the payment of any costs and the same shall not have been paid within a reasonable time, the Grand Master may, by warrant, order that the same, or any part thereof, be paid by the Lodge of which the party against whom the same were awarded is or was a member, or by the Grand Treasurer, but such payment shall not relieve the party against whom they were awarded and his continued refusal to reimburse the Lodge or Grand Treasurer may be punished as a Masonic offense.

CHAPTER VIII

APPEALS

SECTION 400. Masonic appeal defined.

A Masonic appeal is a proceeding to review the decision of a Trial Commission, or of the Chairman of a Trial Commission or of the Grand Master denying a petition to open a default, in order to review errors of law or fact alleged to have been made by either.

SEC. 401. Appellate authority.

The primary appellate authority of Grand Lodge shall be exercised by the Commission of Appeals, chosen in the manner provided by the Book of Constitutions, which shall report to each Annual Communication of Grand Lodge, for its approval, modification or disapproval, in respect of all appeals determined by it during the preceding Masonic year and the decision of Grand Lodge upon such report shall be conclusive upon all parties.

SEC. 402. Sessions of Commission of Appeals - when and where held.

When an appeal has been filed, the Commission of Appeals shall fix a suitable date for the hearings of such appeal, and all appeals shall be held in Masonic Hall in the City of New York.

SEC. 403. What Appealable.

An appeal may be taken from any decision of a Trial Commission as a whole, or from any part thereof, or from any decision denying a petition to open a default, except in a case in which it has recommended the suspension or forfeiture of a charter of a Lodge.

SEC. 404. Who may appeal.

An appeal may be taken by the Proctor or by the accused Lodge or individual.

SEC. 405. Designation of parties.

The parties to a Masonic appeal are respectively the appellant, who seeks the review, and the respondent, against whom the review is sought.

SEC. 406. Notice of appeal.

An appeal may be taken by the Proctor by serving upon the accused Lodge or

individual a written notice containing a detailed statement of the grounds of appeal or by the accused by serving a like notice upon the Proctor.

SEC. 407. Time within which notice served.

The notice of appeal must be served on the opposite party within sixty days of the service of notice of the decision and filing thereof as provided in Section 113.

SEC. 408. Filing notice.

A copy of the notice of appeal shall be filed in the office of the Grand Secretary within five days after the service thereof and such filing shall be deemed a jurisdictional requirement failure to comply with which shall result in a dismissal of the appeal.

SEC. 409. Extension of time not permitted.

There is no authority for any extension or variation of the time fixed in Sections 407 and 408.

SEC. 410. Stay of execution pending appeal.

Upon application of appellant after service of the notice of appeal, the Grand Master may, in his discretion, stay the execution of sentence pending the final disposition of the appeal.

SEC. 411. Transmitting papers to Chief Commissioner of Appeals.

Upon the filing of a copy of the notice of appeal as provided in Section 408, the Grand Secretary, with all convenient speed, shall transmit all papers pertaining to the case to the Chief Commissioner of Appeals.

SEC. 412. Notice of submission or argument.

Notice of the submission or argument of an appeal must be served upon the opposing party in all cases at least ten days before the day in which it is to be brought on and may be given by either appellant or respondent.

SEC. 413. Briefs and written argument.

At least ten days before the date noticed for the submission or argument of an appeal, the appellant shall serve his printed or type-written brief or written argument upon the respondent and at the same time shall file three copies thereof with the Grand Secretary; and within five days thereafter the respondent shall serve his brief or written argument, similarly prepared, upon the appellant and file three copies thereof with the Grand Secretary; but failure of either party so to do shall not prevent the Commission of Appeals from disposing of the appeal.

SEC. 414. Method of determining appeal.

An appeal shall be determined on the record of the case as filed in the office of the Grand Secretary, the briefs and written arguments of the parties, if any shall have been filed, and on the oral argument of either party, if desired by him, who has filed a brief or written argument as provided in Section 413.

SEC. 415. *Decisions Permissible.*

The decision of an appeal shall be affirmance, modification of sentence, or reversal, but no decision shall be reserved for technical irregularity or technical violation of the rules of evidence unless injustice has been done by such violation. In case of reversal, a new trial may be ordered in a proper case or the Commission of Appeals may recommend such judgment as may be just and proper to the end that complete justice may be done without requiring a new trial. A copy of its decision shall be given to the Proctor with all convenient speed, whereupon the Proctor shall notify the accused and the Grand Master of the same.

SEC. 416. *Effect of reversal.*

Reversal of a decision suspending or expelling the accused, when approved by Grand Lodge as provided in Section 401, shall have the effect of restoring him to all the rights and privileges of Masonry, including membership in the Lodge of which he was a member at the time the decision of the Trial Commission was rendered.

CHAPTER IX RESTORATION

SECTION 500. *Restoration a privilege.*

After the expiration of one year from the commencement of a sentence of expulsion, a repentant Brother may be restored to Masonic rights and privileges, but restoration is a voluntary act on the part of Grand Lodge and cannot be claimed as a matter of right.

SEC. 501. *Petition for restoration.*

An application for restoration is by petition to Grand Lodge, which must be filed with the Grand Secretary at least sixty days before the Annual Communication and must contain a copy of the charges upon which the petitioner was tried and a statement of the grounds upon which he seeks restoration.

SEC. 502. *Notice to Trial Commissioners and Aggrieved Lodge.*

At the time of filing his petition as provided in Section 501, the petitioner shall give notice thereof, in writing, to the surviving members of the Trial Commission which imposed punishment upon him and also to the Aggrieved Lodge where the punishment imposed was because of false statements in a petition for membership. An Aggrieved Lodge is defined for these purposes to be, and to be limited to, the Lodge to which the erring Brother seeking restoration petitioned for membership and which duly rejected him.

SEC. 503. *Favorable Recommendation - when required.*

Except as provided in the next Section, no action can or shall be taken on a petition for restoration unless it be accompanied by the favorable recommenda-

tion of the Lodge of which the petitioner was a member, or had last been a member, at the time of his expulsion, adopted at a Stated Communication of such Lodge to which its members had been duly summoned and also by the favorable recommendation of the Aggrieved Lodge, if there be such, duly adopted in like manner.

SEC. 504. *Same - when not required.*

The filing of a favorable recommendation of the petitioner's former Lodge or of an Aggrieved Lodge is unnecessary if proof be furnished that notice of the intended application, in writing and of not less than sixty or more than ninety days, has been served on such Lodges or that the Lodges no longer exist.

SEC. 505. *Reference of petition and action thereon.*

A petition for restoration, if accompanied by the demonstration specified in Section 503 or Section 504, shall be referred to the Grand Lodge Committee on Restorations and the adoption by Grand Lodge, by a majority vote, of a favorable report of that Committee restores the petitioner to the rights and privileges of a non-affiliated Mason without further action.

SEC. 506. *Termination of suspension.*

The penalty of suspension inflicted by a Trial Commission may be terminated at any time by Grand Lodge or the Grand Master and such termination immediately restores the Brother to all his former relations with his Lodge and the Craft.

I. DEFINITIONS

[§1] **A. Aggrieved Lodge.** Aggrieved Lodge, as used in the Code of Procedure in connection with proceedings for the restoration of an expelled Mason, is defined to be, and to be limited to, the Lodge to which the erring one seeking restoration petitioned for membership and which duly rejected him.¹

[§2] **B. Ballot.** The word "ballot" is a generic term which includes every variety of object or device by which a secret vote may be taken.²

~~[§3] C. Clandestine Lodge.~~ A Clandestine Lodge is one professing to be a Lodge of Free and Accepted Masons acting under authority from any source not recognized as regular and legitimate by, and not having Masonic intercourse with, the Grand Lodge of New York.³

~~[§4] D. Clandestine Mason.~~ A Clandestine Mason is one who has received his degrees in, or is a member of, a spurious body pretending to be Masonic, or one not recognized as regular and legitimate by the Grand Lodge of New York.⁴ It is the spurious character of the body with which he is associated that controls.⁵ There is nothing clandestine in the relations of an individual to Masonry, or to his Lodge, when he was made in a legally constituted Lodge, although in violation of the Constitutions or Landmarks.⁶

[§5] **E. Desire - Desirous.** The noun "desire" is defined as "an earnest wishing for something; longing; craving; yearning" and a person is obviously "desirous" who possesses a "desire."⁷

[§6] **F. Domicile, Permanent Home, Residence.** Primarily the place of birth is the domicile. It can be changed only by a consummated intention evidenced by acts and not by mere declarations. It does not include a temporary habitation for any purpose, no matter how long continued, unless the present intention immediately to make it a permanent home is manifested. The intention to make it a home in the future is not sufficient. There can be but one domicile.⁸ Once established, it continues until a new one is acquired,⁹ and to establish

1. Code P., §502.

2. Opinion C, 1945 p. 62, *approved* 1945 p. 79, holding that there is no inconsistency between the constitutional provision (Consts., §354) that a ballot box shall contain at least "six black cubes" and the ritualistic statement that "a black ball or cube rejects."

3. Consts., §703.

4. Consts., §704.

5. Comm. J. & Cond. M., 1866 p. 81, Comp. 113, 114; Opinion F, 1946 p. 98, *approved* 1948 p. 101, 105, holding that one made in a Lodge in Pennsylvania which had been chartered by a foreign Grand Lodge with which, as well as with Pennsylvania, we were in friendly

relations is a clandestine Mason.

6. Paige G. M., 1864 p. 25, Comp. 98, 100 (16), *approved* 1864 p. 164, Comp. 105; Thorne G. M., 1875 p. 30, Comp. 163, 169 (40), *approved* 1875 p. 231, Comp. 175; Matter of Former Members of Rockaway Lodge No. 1036, 1949 p. 32, *approved* 1949 p. 32, 33.

7. Re The Surrender of the Charter, etc., 1947 p. 53, 55, *approved* 1947 p. 154.

8. Consts., §701.

That of a child is that of the head of the household. Opinion D., 1946 p. 91, *approved* 1946 p. 101, 103.

9. Matter of Fraternal Lodge No. 625, 1939 p. 55, *approved* 1939 p. 116, Comp. 1148, 1150; Opinion D, 1946 p. 91, *approved* 1946 p. 101, 103.

a new one residence in fact, coupled with an intention to make such residence a permanent home,¹⁰ is essential. The question is one of mixed law and fact with the latter element usually the more important.¹¹

[§7] **G. Felony.** The word "felony" as employed in the Constitutions connotes an offense which, under the laws of the State of New York, is punishable by death or by incarceration in a State's prison.¹²

[§8] **H. Good Masonic Standing—1. Rule Stated.** The word "standing" imports continuity.¹³ To be in Good Masonic Standing within the meaning of the Constitutions requires that a brother shall have been initiated, passed and raised in a just and duly constituted Lodge of Free and Accepted Masons and is not unaffiliated, suspended or expelled.¹⁴ This is the primary law of the Fraternity, but upon this Grand Lodge, by general regulations, and Particular Lodges, by their by-laws, may impose conditions and restrictions.¹⁵

[§9] **2. Effect of Charges.** A brother, against whom charges have been preferred, remains in good standing until an adverse decision of the Commissioners appointed to try him.¹⁶

[§10] **I. Healing.** Healing is the action required when a candidate has been made a Mason unlawfully and is by O. B.¹⁷

[§11] **J. Initiation Fee.** The initiation fee is a charge which, under the Constitutions, a Lodge is permitted to make for conferring the first degree in Masonry.¹⁸

[§12] **K. Lawful Masonic Information.** Sitting in open Lodge with a brother, avouchment by a brother who has done so, or personal examination, constitutes "lawful Masonic information."¹⁹

10. Matter of Hobson, 1910 p. 526, Comp. 330; Matter of Fidelity Lodge, 1910 p. 549, Comp. 361, holding that a student, whether married or not, does not change his residence by reason of his attendance at college, the change of domicile depending upon his personal intentions based upon acts; Matter of Warren Lodge, 1911 p. 259, Comp. 554, holding that a student neither loses or gains a home by entering a university and that his residence must be fixed by himself, not by mere declaration, but by acts; Opinion D, 1946 p. 91, approved 1946, p. 101, 103; Matter of Polar Star Lodge, etc., 1950 p. 33, approved 1950 p. 83, holding that a delegate to the League of Nations does not acquire a domicile by maintaining his family within the territory of a Lodge for twelve months.

One who votes at a particular place has been declared to have conclusively

elected that place as his residence. Gibson G. M., 1870 p. 43, Comp. 148; *Contra*, Matter of Hobson, 1910 p. 526, Comp. 330.

11. Opinion D, 1946 p. 91, approved 1946 p. 101, 103.

12. Re Effect on a question of Masonic Discipline, etc., 1941 p. 126, approved 1942 p. 114, 117, Comp. 1184, 1188.

13. In the Matter of Adelphi Lodge No. 23, 1913 p. 260, Comp. 638, 639.

14. Consts., §700.

15. Comm. J., 1886 p. 181, Comp. 222.

16. Simons G. M., 1861 p. 18, Comp. 64 (6).

17. Gibson G. M., 1869 p. 47, Comp. 140.

18. Re Initiation Fees, 1936 p. 58, approved 1936 p. 128, Comp. 1121.

19. King G. M., 1862 p. 28, Comp. 74, 82 (52).

[§13] **L. Masonic Appeal.** A Masonic appeal is a proceeding to review the decision of a Trial Commission, or of the Chairman of a Trial Commission or of the Grand Master denying a petition to open a default, in order to review errors of law or fact alleged to have been made by either.²⁰

[§14] **M. Masonic Trial.** A Masonic trial is the proceeding by which a Brother or a particular Lodge charged with a Masonic offense is accused and prosecuted before a Trial Commission appointed pursuant to the provisions of the Code of Procedure, whether or not an issue of law or fact, or both, shall have arisen by reason of an answer interposed by the accused.²¹

[§15] **N. Metropolitan District.** The Metropolitan District is composed of the counties of Suffolk, Nassau, Queens, Kings, Richmond, New York, Bronx, Westchester and Putnam.²²

[§16] **O. Non-Affiliated Mason.** A Non-affiliated Mason is one who, having received his degrees, has failed to sign the by-laws of the Lodge by which he has been accepted and by whose action or at whose request he has received the third degree;²³ or one who, being free of pending charges and indebtedness to a Lodge, has voluntarily and upon his own written application withdrawn therefrom and is not a member of any other Lodge;²⁴ or who, having been expelled from the rights and privileges of Masonry, has been restored thereto by due action of Grand Lodge; or one who was a member in good standing of a Lodge whose charter was voluntarily surrendered or has been forfeited.²⁵ Candidates initiated, passed or raised in a Lodge under dispensation not continued by a charter become non-affiliated upon the expiration of the dispensation.²⁶

[§17] **P. Particular Lodge.** In the Book of Constitutions the individual Lodges are described as Particular Lodges.²⁷

[§18] **Q. Permanent Fund.** The Permanent Fund of Grand Lodge consists of such moneys as remained in that fund so called at the time of the adoption of the present Constitutions²⁸ together with such additional sums as Grand Lodge may from time to time add thereto by appropriation.²⁹

[§19] **R. Personal or Material Jurisdiction.** Personal or material jurisdiction is that jurisdiction which is obtained over a resident within its territorial jurisdiction when a Lodge receives his petition, the

20. Code P., §400.

21. Code P., §13.

22. Consts., §110.

23. Consts., §702; Matter of Dexter Lodge No. 1072, 1942 p. 45, *approved* 1942 p. 119, Comp. 1193.

24. Consts., §702.

25. Consts., §702.

This section still includes the words

"of a Lodge," but a Particular Lodge has no right to restore an expelled member since the adoption of the present Code of Procedure in 1942.

26. Consts., §330.

27. Consts., c. III.

28. May 7, 1932.

29. Consts., §203.

same being in due form, for initiation in the Lodge or for the degrees of Masonry or when a Lodge acts on a waiver of jurisdiction given by a Lodge which would otherwise have jurisdiction.³⁰

[§20] **S. Reserve Fund.** The Reserve Fund shall consist of the sum of one hundred thousand dollars, from which payments may be made by the Trustees through the Grand Treasurer upon order of the Grand Master for immediate relief in this Jurisdiction or in sister Grand Lodge Jurisdictions in times of calamity and disaster, to meet contingent items in connection with the budget of the Grand Treasury, and to cover emergencies.³¹

[§21] **T. Sinking Fund.** The net revenue derived by the "Trustees of the Masonic Hall and Asylum Fund" from the real property of the Fraternity and not required for the payment of fixed charges and other expenses of management of the same and for the maintenance of the Home shall create a Sinking Fund for the retirement of charges upon such property and to meet obligations connected therewith.³²

[§22] **U. Stated and Special Communications.** A Stated Communication is a meeting of the Lodge fixed by the by-laws to be held at a definite time and place.³³ It does not include a communication called at the option of the Master³⁴ and when the by-laws authorize the Master, at his discretion, to close the Lodge between certain dates and he has closed it accordingly³⁵ or where a Lodge has, at a Stated Communication, adopted a resolution that when closed it shall remain close until a given date, unless specially convened, and the Lodge was closed,³⁶ any Communication held between those dates is an Emergent or Special Communication, even though, had the Lodge not been so closed, a Stated Communication would have intervened, but when the by-laws fix the hour of communications and also provide that they may be opened earlier, at the determination of the Master and with limitations as to the business to be transacted prior to the regular hour, the entire meeting, including the added time, constitutes a Stated Communication.³⁷

[§23] **V. Unaffiliated Mason.** An Unaffiliated Mason is one who has been dropped from membership in a Lodge for non-payment of dues.³⁸

30. Gibson G. M., 1869 p. 41, Comp. 131.

31. Consts., §203. See also *infra* §240.

32. Consts., §204.

33. Comm. J., *approving* Centennial Lodge No. 763, 1944 p. 40, 41.

34. Comm. J., *approving* Centennial Lodge No. 763, 1944 p. 40, 41, declaring illegal a by-law which sought to permit the Master to call Stated Communications at his will.

35. Paige G. M., 1865 p. 24, Comp. 106 (1), *approved* 1865 p. 195, Comp. 108.

36. In the Matter of Morning Star Lodge No. 524, 1913 p. 233, Comp. 599-600.

37. Matter of Mount Neboh Lodge No. 257, 1948 p. 13, *approved* 1948 p. 73.

38. Consts., §702.

Duties, rights and privileges of, see *infra* §1102.

Unaffiliation for non-payment of dues, see *infra* §§684-692.

II. RULES OF CONSTRUCTION [§§24-36]**A. COMPUTING TIME** [§24]**B. CONSTITUTIONS** [§§25-27]

1. **Include What** [§25]
2. **How Construed** [§§26-27]
 - a. **In General** [§26]
 - b. **Repealing Clause** [§27]

C. DUE AND TIMELY NOTICE [§28]**D. FUNDS** [§29]**E. MASONIC BURIAL** [§30]**F. MASONIC DISTRICTS** [§31]**G. MORAL TURPITUDE** [§32]**H. NUMBER—SINGULAR AND PLURAL** [§33]**I. "ONCE A MASON ALWAYS A MASON"** [§34]**J. PRESUMPTION OF DEATH** [§35]**K. RULE OF STATUTORY CONSTRUCTION** [§36]

II. RULES OF CONSTRUCTION.

[§24] **A. Computing Time.** In computing the period of time from a certain day within which or after or before which an act is authorized or required to be done, such computation shall be made exclusive of the calendar day from which the reckoning is made and inclusive of the last day of the period. Sunday or a public holiday, if it is the last day of any such period, must be excluded in the reckoning.¹

[§25] **B. Constitutions—1. Include What.** In accordance with ancient Masonic usage, the Constitutions include collectively the Laws, Rules, Regulations, Declarations and Definitions which are printed in the Book of Constitutions² and also the Code of Procedure.³

[§26] **2. How Construed—**a. **In General.** In construing the Constitutions, care should be taken to interpret them upon the theory that their provisions were intended to be in accord with the Landmarks, customs and usages of the Craft, in whose light they must be read and construed.⁴ These constitute the common law of Masonry, which is to be learned from the ancient usages of the Craft as developed and interpreted from and since the year 1721.⁵ Our language has changed from time to time and words have possessed different meanings in different eras, a fact which must be considered in construing them.⁶ It will, therefore, frequently occur that the language or import of a section is limited or broadened in its intent and meaning.⁷ The rule that a penal statute or one in derogation of the common law is strictly construed does not apply to the Constitutions or to the Code of Procedure, or to any of the provisions of either thereof, but all such provisions must be construed according to the fair import of their terms to promote justice and effect their objects.⁸

[§27] **b. Repealing Clause.** The repealing section of the Book of Constitutions reads: All former Constitutions, Statutes, Rules of Order and Codes of Procedure and all Decisions inconsistent herewith are hereby repealed; except that as to all Masonic offenses committed prior to the taking effect hereof, the provisions of the Constitution and Code of Procedure heretofore existing shall continue in

1. Code P., §14, any action required by the Code of Procedure; Re Computation of Time, etc., 1938 p. 74, *approved* 1938 p. 146, Comp. 1137, determining time which had elapsed on application of an unaffiliate for restoration; Matter of Tecumseh Lodge No. 487, 1939 p. 59, *approved* 1939 p. 118, Comp. 1152, same.

2. Consts., p. 3, §1.

3. Matter of Silentia Lodge No. 198, 1914 p. 166, Comp. 650, 652; Rep. J. A., 1940 p. 76, 77, Comp. 1157.

4. In the Matter . . . of Red Jacket Lodge No. 646, 1910 p. 425, 428, Comp. 404, 407; Matter of Richmond Lodge

No. 66, 1913 p. 247, Comp. 619, 622; Matter of Silentia Lodge No. 198, 1914 p. 166, Comp. 650, 652.

5. Code P., §2.

These decisions are found in the three volumes entitled "Compilation and Digest of Masonic Law," published by Grand Lodge, and in its annual "Proceedings of the Grand Lodge."

6. Matter of Kitwinning Lodge, 1910 p. 494, Comp. 285.

7. In the Matter . . . of Red Jacket Lodge No. 646, 1910 p. 425, 428, Comp. 404, 407.

8. Consts., §403.

force, and nothing contained in any provision of these Constitutions or of the Code of Procedure renders ineffectual or otherwise impairs any final judgment heretofore rendered or any proceeding heretofore taken pursuant to any former Constitution, Statute, Code of Procedure or Decision unless the contrary is expressly declared in the provision in question.⁹ It would seem that the word decision should be limited to the subject-matter contained in the new Constitutions, and to apply only to such decisions as are inconsistent with or have been expressly declared in the new Constitutions.¹⁰

[§28] C. Due and Timely Notice. To constitute "due and timely notice" of a meeting, there should be some reasonable assurance that the fact that such a meeting will be held will actually come to the notice of those members whose places of sojourn are near enough to the Lodge to permit of their presence if they knew of it within a reasonable time prior to the hour set.¹¹

[§29] D. Funds. The word "funds" is synonymous with the word "assets."¹²

[§30] E. Masonic Burial. The term "Masonic burial" as used in the Constitutions has particular reference to the performance of the services and ceremonies over a deceased brother.¹³

[§31] F. Masonic Districts. The Masonic districts shall remain as now¹⁴ organized, subject to alteration by Grand Lodge at any Annual Communication.¹⁵

[§32] G. Moral Turpitude. The words "moral turpitude" as relating to an act or conduct connote an act of a shameful, depraved or infamous nature contravening the accepted standards of the community as to action and outraging their recognized conception of proper conduct. It eliminates from inclusion any act which is merely *malum prohibitum* and which contains no element which is *malum in se*.¹⁶

[§33] H. Number—Singular and Plural. Words in the singular number include the plural and in the plural number include the singular.¹⁷

[§34] I. "Once a Mason always a Mason." It is in the sense that a Mason, whether unaffiliated or non-affiliated, is always subject to

9. Consts., §802.

"All former Rules of Order of the Grand Lodge inconsistent herewith are hereby abrogated." R.O. xxi, Consts., p. 84 (xxi).

10. Matter of Rossbottom, 1910 p. 523, Comp. 325, 327.

11. Matter of Mount Moriah Lodge No. 145, 1945 p. 52, approved 1945 p. 79, holding that posting on the bulletin of the Lodge in the afternoon and publishing in a late afternoon paper was insufficient.

12. Matter of Tyrian Lodge No. 1065, 1949 p. 27, approved 1949 p. 35.

13. Thorne G. M., 1875 p. 30, Comp. 163, 171 (47), approved 1875 p. 231, Comp. 175.

14. May 7, 1931.

15. Consts., §504.

16. Re Effect on a question of Masonic Discipline, etc., 1941 p. 126, approved 1942 p. 114, 117, Comp. 1184, 1188.

17. Code P., §16.

disciplinary proceedings that the expression "once a Mason always a Mason" is to be understood.¹⁸

[§35] J. **Presumption of Death.** The Constitutions do not provide a presumption of death and in the absence of provision to the contrary, it does not follow that a brother is dead because he absents himself from his Lodge for many years and, if living, would have attained four score years and ten.¹⁹

[§36] K. **Rule of Statutory Construction.** Where a statute may be construed in two ways, one of which would declare it constitutional and the other unconstitutional, it should be construed so as to maintain its constitutionality, unless such construction be a gross violation of the plain import of the language of the statute.²⁰

18. Thorne G. M., 1876 p. 29, Comp. 178, 181 (xix).

19. Matter of Kane Lodge No. 454, 1914 p. 187, Comp. 679.

20. In the Matter of St. Albans Lodge No. 56, 1913 p. 227, Comp. 592, 595.

III. GRAND LODGE [§§37-131]

A. NAME [§37]

B. SOURCE OF MASONIC AUTHORITY [§38]

C. COMPOSITION OF GRAND LODGE [§§39-52]

1. Rule Stated [§§39-40]

a. In General [§39]

b. When Adjourned for Want of Quorum [§40]

2. Representative of Particular Lodge [§§41-48]

a. Chartered Lodge [§§41-47]

(I) In General [§§41-46]

(A) *Master, Warden or Proxy* [§41]

(B) *Proxy* [§§42-46]

(1) *Who Eligible* [§42]

(2) *When and How Proxy Elected* [§43]

(3) *Certificate of Election as Proxy* [§§44-45]

(a) *Must Be Filed* [§44]

(b) *Form of Certificate of Proxy* [§45]

(4) *Proxy Cannot Act when Master or Warden Present* [§46]

(II) *Lodge Failing to Pay Annual Dues* [§47]

b. *Lodge Under Dispensation* [§48]

3. Good Standing in Particular Lodge Essential to Membership in Grand Lodge [§49]

4. Compensation of Members of Grand Lodge [§§50-52]

a. Amount [§§50-51]

(I) In General [§50]

(II) Representative of Particular Lodge [§51]

b. How Compensation Forfeited [§52]

D. COMMUNICATIONS OF GRAND LODGE [§§53-76]

1. When and Where Held [§§53-55]

a. Annual [§§53-54]

(I) Date and Place [§53]

(II) Hour [§54]

b. Special [§55]

2. Quorum [§§56-57]

a. For Business [§56]

b. For Ceremony [§57]

3. Seating Arrangement in Grand Lodge [§58]
4. Who Presides in Grand Lodge [§§59-60]
 - a. Generally [§59]
 - b. When No Elective Grand Officer Present [§60]
5. Order of Business at Annual Communication [§§61-67]
 - a. First Day [§61]
 - b. Subsequent Days [§§62-67]
 - (I) In General [§62]
 - (II) Reading and Approving Minutes of Previous Session [§63]
 - (III) When Order of Previous Day Not Completed [§64]
 - (IV) Election of Grand Officers [§65]
 - (V) Installation of Grand Officers [§66]
 - (VI) Report of Commission of Appeals [§67]
6. New Business [§§68-69]
 - a. Must Be Offered in Writing [§68]
 - b. Referred to Standing Committee [§69]
7. Motions Decided by Majority Vote [§70]
8. Vote How Taken [§§71-72]
 - a. By Show of Hands [§71]
 - b. By Call of Lodges [§72]
9. Conduct of Members of Grand Lodge [§§73-75]
 - a. Decorum Generally [§73]
 - b. Manner of Speaking [§74]
 - c. Punishment for Transgressing Rules of Order [§75]
10. Visitors to Grand Lodge [§76]

E. VOTING POWER OF MEMBERS [§§77-80]

1. In General [§77]
2. Representative of Particular Lodge [§78]
3. Grand Master [§79]
4. Grand Tiler [§80]

F. POWERS OF GRAND LODGE [§§81-130]

1. In General [§§81-83]
 - a. Are Supreme, Sovereign and Inherent [§81]
 - b. Limitations [§§82-83]
 - (I) Generally [§82]
 - (II) At Special Communications [§83]

2. Particular Powers of Grand Lodge [§§84-130]
 - a. Amending or Suspending Constitutions [§§84-87]
 - (I) Book of Constitutions or Code of Procedure [§§84-86]
 - (A) *Generally* [§§84-85]
 - (1) *By Adoption at Two Successive Annual Communications* [§84]
 - (2) *By Adoption at Annual Communication and Ratification by Particular Lodges* [§85]
 - (B) *By Imposing New Charges for Benefit of Masonic Hall and Asylum Fund* [§86]
 - (II) Rules of Order [§87]
 - b. Changing Name of Mason on Grand Lodge Register [§88]
 - c. Determining Masonic Regularity [§§89-91]
 - (I) Of Grand or Particular Lodge [§§89-90]
 - (A) *In General* [§89]
 - (B) *Healing* [§90]
 - (II) Of Other Masonic Bodies [§91]
 - d. Disturbing Requirement of Physical Soundness [§92]
 - e. Fixing Titles of Own Officers [§93]
 - f. Interfering in Affairs of Particular Lodge [§§94-104]
 - (I) Abridging Right to Demand Ballot for Advancement [§94]
 - (II) Changing Territorial Jurisdiction [§95]
 - (III) Determining Appeal from Decision of Master or Warden [§96]
 - (IV) Financial Matters [§§97-101]
 - (A) *Generally* [§97]
 - (B) *Assessments* [§§98-99]
 - (1) *By Ordering* [§98]
 - (2) *By Reviewing* [§99]
 - (C) *Compelling Relief* [§100]
 - (D) *To Prevent Incurring of Non-Masonic Debt* [§101]
 - (V) Forfeiture of Charter [§102]
 - (VI) Requiring Submission of Proceedings for Examination [§103]
 - (VII) Suspending Charter [§104]
 - g. Judicial Power of Grand Lodge [§§105-107]
 - (I) Defined [§105]

- (II) **How Exercised** [§§106-107]
 - (A) *In Exercise of Original Jurisdiction* [§106]
 - (B) *In Exercise of Appellate Jurisdiction* [§107]
 - h. **Participating in Politics** [§108]
 - i. **Remitting Fees** [§109]
 - j. **Removing Member of Masonic Foundation** [§110]
 - k. **Removing Trustee of Masonic Hall and Asylum Fund** [§111]
 - l. **Rescinding the Constitutions** [§112]
 - m. **Restoring Expelled Mason** [§§113-125]
 - (I) **Right Recognized** [§§113-114]
 - (A) *Generally* [§113]
 - (B) *Not Applicable when Expelled in Another Jurisdiction* [§114]
 - (II) **Proceedings Required for Restoration** [§§115-124]
 - (A) *Petition* [§§115-117]
 - (1) *Rule Stated* [§115]
 - (2) *When and Where Petition for Restoration Filed* [§116]
 - (3) *Contents of Petition for Restoration* [§117]
 - (B) *Notice of Filing Petition for Restoration* [§§118-119]
 - (1) *To Trial Commissioners* [§118]
 - (2) *To Aggrieved Lodge* [§119]
 - (C) *Favorable Recommendation of Former Lodge* [§§120-122]
 - (1) *When Required* [§120]
 - (2) *When Not Required* [§121]
 - (3) *How Obtained when Aggrieved Lodge in Another Grand Jurisdiction* [§122]
 - (D) *Reference to Committee on Restorations* [§123]
 - (E) *Action by Grand Lodge on Report of Committee on Restorations* [§124]
 - (III) **Effect of Restoration** [§125]
 - n. **Reviewing Decisions of Grand Master** [§126]
 - o. **Terminating Penalty of Suspension** [§127]
 - p. **With Respect to Grand Lodge Funds** [§§128-130]
 - (I) **Permanent Fund** [§128]
 - (II) **Revenue from Real Property** [§129]
 - (III) **Special Trusts** [§130]
- G. REVENUES** [§131]

III. GRAND LODGE

[§97] A. Name. The Grand Lodge is known as "The Grand Lodge of Free and Accepted Masons of the State of New York." Throughout this volume, however, it will be called Grand Lodge.

[§98] B. Source of Masonic Authority. That each Grand Lodge has sovereign and exclusive jurisdiction within its own territory is an established principle of Masonic jurisprudence, upon this continent at least,² and Grand Lodge is the only true and legitimate source of Masonic authority within the territorial limits of the State of New York and within such extra-territorial jurisdiction as it has or may assume and exercise.³ It has specifically affirmed that no Supreme Council or Consistory of the Ancient or Scottish rite has any authority or power over the first three degrees, or any right to issue Charters to establish Lodges for those degrees,⁴ except in those countries (those under the obedience of the Grand Orient of France not included) where that is the dominant rite,⁵ and that it regards the fact of the establishment of Lodges, to confer degrees of Masonry (under whatever rite they may claim) by any Masonic authority other than Grand Lodge, upon any person who is not a Master Mason, as an invasion of its rights and privileges, and, as such, to be sternly rebuked and resisted.⁶

1. Consts., §100.

2. Roome G. M., 1880 p. 26, Comp. 202, 203; Matter of Broas, 1917 p. 99, Comp. 795, approved 1918 p. 268, Comp. 811, 812 (2), deciding that, under the then Constitution, Grand Lodge had not power to issue a dispensation for the establishment of a Military Lodge in a territory which contained a duly constituted Grand Lodge with which Grand Lodge was in friendly relations.

The individual policy of each Grand Lodge is determined by it in its own sovereign right and, until fraternal relations have been severed between Grand Lodge and any other Grand Lodge of the United States, each is entitled to full recognition. Comm. J., 1920 p. 160, Comp. 834-835.

3. Consts., §§101, 507; In the Matter of Radiant Lodge No. 739, 1932 p. 146, approved 1933 p. 178, Comp. 1063, 1066; Mollenhauer G. M., 1933 p. 180, 181, approved 1933 p. 180, Comp. 1110.

When a General Grand Lodge in North America was proposed the Committee on Jurisprudence said: "New York has consistently held to its own sovereignty as an independent Grand Lodge. Your Committee sees no rea-

son why we should recede from that position, and therefore recommends that no action be taken in the matter. We are now supreme in all things Masonic within the borders of the Commonwealth of New York. Our authority here is undisputed, and the Brethren direct and control their own affairs. To ally ourselves with a General Grand Lodge having jurisdiction over all or a considerable portion of English speaking North America, would be simply to surrender the power and authority which is now ours, into the keeping of those who would necessarily have but little appreciation of our local conditions and needs. Such action would leave us fettered where we now are free." 1914 p. 243, Comp. 692-693.

4. 1851 p. 84, Comp. 25; 1857 pp. 107-114, Comp. 35 (8).

5. Comm. J., 1897 p. 162, Comp. 232.

One hailing from the Grand Orient de France could not be affiliated in any Lodge in this jurisdiction, unless his dimit was granted before the June Communication of the Grand Lodge of 1869. Gibson G. M., 1870 p. 47, Comp. 154, 155.

6. 1857 pp. 107-114, Comp. 37 (20).

[§39] C. Composition of Grand Lodge—1. Rule Stated—a. In General. Membership in Grand Lodge is fixed by the Book of Constitutions⁷ which provides that it shall be composed of all its Grand Officers,⁸ the Past Grand Masters, Past Deputy Grand Masters, Past Grand Wardens, Past Grand Treasurers and Past Grand Secretaries,⁹ one Representative from each Particular Lodge,¹⁰ the members of the Commission of Appeals,¹¹ the Judge Advocate,¹² the Proctor,¹³ the members of the Masonic Foundation for Medical Research and Human Welfare,¹⁴ the Trustees of the Masonic Hall and Asylum Fund, all Trustees of the Hall and Asylum Fund who served as such at any time between 7 May 1907 and 1 May 1912,¹⁵ the Custodians of the Work,¹⁶ and the members of the Standing Committees and of the Special Committees appointed by authority of Grand Lodge.¹⁷ Past Grand Officers from other jurisdictions do not become members of Grand Lodge upon affiliating with a Lodge in this jurisdiction.¹⁸

[§40] b. When Adjourned for Want of Quorum. If, for want of a quorum, the Annual Communication of Grand Lodge is adjourned subject to the call of the Grand Master, the same persons who were eligible in the preceding May should be permitted to participate insofar as they are living.¹⁹

[§41] 2. Representative of Particular Lodge—a. Chartered Lodge—(1) In General—(A) Master, Warden or Proxy. The representative of a Particular Lodge shall be the Master, or one of the Wardens in order of seniority, or a Proxy duly elected by the Lodge.²⁰

[§42] (B) Proxy—(1) Who Eligible. Only a Past Master who is a member of the Particular Lodge is eligible to election as Proxy.²¹

[§43] (2) When and How Proxy Elected. A Proxy to represent a Particular Lodge at the next succeeding Annual Communication of

7. Consts., §102.

8. Who are Grand Officers, see *infra*, §§133, 138.

9. The student who is interested in the status of past officers under earlier Constitutions and in England may consult Handbook of Masonic Law (1st ed.), §29, note 9.

10. Representative from Particular Lodge, see *infra*, §§41-48.

11. Commission of Appeals, see *infra*, §§350-360.

12. Judge Advocate, see *infra*, §§302-303.

13. Proctor, see *infra*, §§304-306.

14. Masonic Foundation, see *infra*, §§388-403.

15. Trustees of Hall and Asylum Fund, see *infra*, §§361-383.

16. Custodians of the Work, see *infra*, §334.

17. Grand Lodge Committees, see *infra*, §§326-349.

18. Paige G. M., 1865 p. 24, Comp. 107 (13), approved 1865 p. 195, Comp. 108.

19. Brown G. M., 1946 p. 75, approved 1946 p. 101, 103, referring to the Annual Communication of 1945 when war conditions had so affected travel that no quorum was present in May.

20. Consts., §102.

Right of Lodge to elect proxy, see *infra*, §718.

21. Consts., §106.

Grand Lodge may be elected by a majority vote at a Stated or Special Communication of the Lodge.²²

[\$44] (3) Certificate of Election as Proxy—(a) Must Be Filed. To entitle a Proxy to act as representative in Grand Lodge, a certificate of his election must be filed with the Grand Secretary prior to the opening of Grand Lodge.²³

[\$45] (b) Form of Certificate of Proxy. The certificate of the election of a Proxy must be attested by the seal of the Lodge and the signature of its Secretary²⁴ and may be in the following form:²⁵

This is to certify, that at a Communication of *Standard Lodge*, No. 2000, held on the 9th day of *April*, A.L., 5951, Brother *John Doe*, a Past Master, and a member of this Lodge, was duly elected proxy to represent this Lodge in the Grand Lodge of the State of New York, at the next succeeding Communication thereof.

Given under my hand and the seal of the Lodge, this 9th day of *April*, A.L., 5951.

(SEAL)

Richard Roe, Secretary.

[\$46] (4) Proxy Cannot Act when Master or Warden Present. A proxy given by a Particular Lodge is superseded by the presence of the Master or either of the Wardens.²⁶

[\$47] (II) Lodge Failing to Pay Annual Dues. A Lodge failing to pay its annual dues shall not be entitled to representation in Grand Lodge.²⁷

[\$48] b. Lodge Under Dispensation. A Lodge under dispensation cannot be represented in Grand Lodge.²⁸

[\$49] 3. Good Standing in Particular Lodge Essential to Membership in Grand Lodge. No one can be a member of Grand Lodge unless he be a member in good standing of some Particular Lodge within

22. Consts., §106. See also Holmes G. M., 1867 p. 22, Comp. 115, 116 (iii), approved 1867 p. 49, Comp. 118, ruling that, even when proxies were appointed and not elected, no proxy could be appointed by the Master, or conjointly by him and the Wardens of a Lodge, during the recess of the Lodge. Such an appointment had to be made in open Lodge, at a regular Communication if possible; but, if not, then at an emergent Communication after the members of the Lodge had been duly summoned for that specific purpose.

Stated and Special Communication defined, see *supra*, §22.

23. Consts., §106.

24. Consts., §106.
Duty of Lodge Secretary to certify, see *infra*, §1020.

25. Consts., p. 117 (4).
Duty of Grand Secretary to furnish blanks, see *infra*, §281.

26. Consts., §106; Thorne G. M., 1876 p. 29, Comp. 178, 183 (xxvi).

27. Consts., §324.
Duty of Particular Lodge with respect to dues, see *infra*, §831.

28. Consts., §328.
Rights of Lodge under dispensation, see *infra*, §§874-879.

its jurisdiction.²⁹ Cessation of membership in the Particular Lodge vacates membership in Grand Lodge.³⁰

[§50] 4. Compensation of Members of Grand Lodge—**a. Amount—(I) In General.** Grand Officers who do not receive salaries as such, and Past elected and installed Grand Officers enumerated in Section 109 of the Constitutions, the Commissions of Appeals, the Judge Advocate, the Trustees of the Masonic Hall and Asylum Fund, all Trustees of the Hall and Asylum Fund who served as such at any time between 7 May 1907 and 1 May 1912, and members of Standing Committees and of Special Committees appointed by authority of Grand Lodge, receive like compensation to the representatives of Particular Lodges, provided they shall not have received pay as a Representative.³¹

[§51] (II) Representative of Particular Lodge. The Representative from each Particular Lodge is entitled to receive five dollars for each day's attendance at Grand Lodge and also mileage at the rate of three cents per mile for traveling to and returning from Grand Lodge, to be computed on the number of miles from the place of meeting of the Lodge to the City of New York, as the distance may be determined by Grand Lodge. No Representative shall receive more than the amount of the dues paid by the Lodge he represents, provided, however, that a Representative shall be entitled to draw pay against two years' Grand Lodge dues paid by his Lodge, if the Lodge were not represented the preceding year, and shall be entitled to draw against three years' Grand Lodge dues paid by his Lodge if the Lodge were not represented in the two preceding years.³²

[§52] **b. How Compensation Forfeited.** Absence of a member of Grand Lodge before the close of the Annual Communication, for any cause except sickness of, or calamity to, herself or his family, forfeits all claim to payment or compensation.³³

[§53] **D. Communications of Grand Lodge—1. When and Where Held—**a. Annual—(I) Date and Place.**** The Annual Communication of Grand Lodge is held in the City of New York, commencing on the first Tuesday of May.³⁴

[§54] (II) Hour. After the first session of the Annual Communication, Grand Lodge shall assemble daily at nine o'clock in the morn-

29. Consts., §102.

Good standing defined, see *supra*, §8.

30. Consts., §102.

Membership in Particular Lodge how lost, see *infra*, §586.

31. Consts., §131.

Officers receiving salaries are the Grand Treasurer, Grand Secretary, Proctor, Grand Lecturer, Grand Pursuivant and Grand Tiler. Consts.,

§129.

Elective officers enumerated, see *infra*, §133.

Compensation of Representatives, see *infra*, §51.

32. Consts., §130.

33. Consts., §132.

Duty of Committee on Pay of Members, etc., see *infra*, §346.

34. Consts., §103.

ing and take recess from one o'clock P.M., until two o'clock P.M., and again until the following morning at nine o'clock.³⁵

[§55] b. Special. Special Communications of Grand Lodge may be called by the Grand Master.³⁶

[§56] 2. Quorum—*a.* For Business. The Representatives of ten Lodges, convened on due notice to all Lodges, shall be indispensably necessary to open Grand Lodge or transact business therein, except on occasions of ceremony.³⁷

[§57] b. For Ceremony. On occasions of ceremony, the Grand Master, or his representative, with a sufficient number of brethren, may open Grand Lodge and transact the business for which it is called.³⁸

[§58] 3. Seating Arrangement in Grand Lodge. Seats in Grand Lodge shall be numbered by Districts, so conspicuously as to be seen from the Chair, the arrangement being such that all representatives of Particular Lodges in a given Masonic District, together with the District Deputy Grand Master of that District, shall be seated contiguously.³⁹

[§59] 4. Who Presides in Grand Lodge—*a.* Generally. Normally the Grand Master presides in Grand Lodge,⁴⁰ but in case of his absence or disability, or in the event of a vacancy in his office, the Deputy Grand Master, Senior Grand Warden and Junior Grand Warden, in succession, assume his duties, powers and prerogatives.⁴¹

[§60] b. When No Elective Grand Officer Present. 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. In case of the absence of both Present and Past Grand Officers, entitled to take the Chair, the Master of the Senior Particular Lodge present shall take it.⁴²

[§61] 5. Order of Business at Annual Communication—*a.* First Day. After Grand Lodge has been called to order at the opening thereof,

35. R. O., xiv.
36. Consts., §103.
Duty of Grand Master to give notice of Special Communications, see *infra*, §185.
Limitation as to business, see *infra*, §83.
37. Consts., §104.
38. Consts., §104.

39. R. O., xvii.
40. Consts., §113, subs. 1.
41. Consts., §114.
42. R. O., ix.
Elective Grand Officers enumerated, see *infra*, §133.
Precedence of Lodges, see *infra*, §802.

on the first day of the Annual Communication, the following order of proceedings and business shall be observed:⁴³

1. Prayer by a Grand Chaplain.
2. Calling the Roll of Lodges by the Grand Secretary.
3. Ceremonies of opening Grand Lodge.
4. Reading and approving the minutes of any previous Communication not before read and approved.
5. Address of the Grand Master and action thereon.
6. Reports of the Grand Secretary and Grand Treasurer and action thereon.
7. Report of the Trustees of the Masonic Hall and Asylum Fund.
8. Miscellaneous Business.

[§62] b. Subsequent Days—(I) In General. With certain exceptions hereinafter considered, the order of business at each session, after the first day, shall be as follows:⁴⁴

1. Reading and approving minutes of the preceding session.
2. Report 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 same.
7. Reports of Standing Committees and action thereon, the Committee on Foreign Correspondence having preference.
8. Report of the Judge Advocate.
9. Reports of Special Committees and action thereon.
10. Special Order (if any).
11. Consideration of proposed Amendments to the Constitutions and Rules of Order (if any).
12. Unfinished Business of previous session (if any).
13. Miscellaneous Business not included in the above.

[§63] (II) Reading and Approving Minutes of Previous Session. The reading and approving of the minutes of the previous session shall be the first order of business at each session.⁴⁵

[§64] (III) When Order of Previous Day Not Completed. Should a particular 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 again as in the second preceding section, when once finished, and going through with it in the same manner.⁴⁶

43. R. O., xiii.

44. R. O., xv.

45. R. O., xvi.

46. R. O., xvi.

[§65] (IV) Election of Grand Officers. The election of Grand Officers shall be the special order of business at ten o'clock, A.M., of the third day of the Annual Communication.⁴⁷

[§66] (V) Installation of Grand Officers. The installation of the Grand Officers shall take place immediately preceding the close of the Annual Communication.⁴⁸

[§67] (VI) Report of Commission of Appeals. The reading and consideration of the report of the Commission of Appeals shall be the special order of business at ten o'clock, A.M., of the second day of the Annual Communication.⁴⁹

[§68] 6. New Business—a. Must Be Offered in Writing. Every proposition offered for consideration of Grand Lodge shall be in writing.⁵⁰

[§69] b. Referred to Standing Committee. No question, subject or proposition ordinarily referred to one of its Standing Committees shall be acted on or considered by Grand Lodge unless presented to said Committee, except where otherwise ordered by a vote of Grand Lodge.⁵¹

[§70] 7. Motions Decided by Majority Vote. All motions are to be decided by a majority of votes.⁵²

[§71] 8. Vote How Taken—a. By Show of Hands. Subject to the two exceptions noted in the next section, the opinions or votes of the members of Grand Lodge may be signified by holding up the left hand.⁵³

[§72] b. By Call of Lodges. Where a member calls for a vote by Lodges and his call is sustained by at least ten members⁵⁴ or where, at the election of Grand Officers, more than one nomination is made,⁵⁵ the vote shall be by a call of Lodges.⁵⁶

In either such case the Grand Master shall appoint four sets of tellers of three each. The chairman of each set of tellers will be furnished with cards of each District allotted to his polling-place, embracing a list of the Lodges and number of votes to which each Lodge is entitled, on which he will check off the votes by Lodges as deposited. The District Deputy Grand Master of each District will vote with his District and will also be furnished with a duplicate card for the

47. R. O., xv.

48. R. O., xv.

49. R. O., xv.

50. R. O., x.

Notices to Lodges to send in propositions on business desired by them to be presented, see *infra*, §272.

51. R. O., xii.

Grand Lodge Committees, see *infra*, §§326-349.

52. R. O., v.

53. R. O., vi.

54. R. O., vi.

55. R. O., xviii.

56. Voting power of members, see *infra*, §§77-80.

Duty of Grand Secretary to provide ballots, see *infra*, §283.

information of the representatives. At each polling-place will be suspended a card indicating the number of the District then voting. The voting will be by Districts, governed by the location of the Lodges as seated in the hall, commencing from the east, and as a District completes its vote, the district card at the polling-place will be changed and the District immediately in rear of the one which has just voted will commence voting. Four districts will be voting at the same time at the different polling places. The vote of the Grand Lodge Officers, Past Grand Officers, the Commissioners of Appeals, the Trustees of the Hall and Asylum Fund and Committees will be taken by the Grand Secretary at the Grand East. At the conclusion of the District call, any representative who did not vote with his District can do so before the balloting is declared closed. When any one of the series of Districts has completed its vote, the tellers will, by order of the Grand Master, proceed with the count. After the votes have been canvassed by the tellers, the result will be handed to the Presiding Officer and the aggregate announced by him.⁵⁷

[§73] 9. **Conduct of Members of Grand Lodge—**a. **Decorum Generally.** Except the officers in the discharge of their duties, all members shall keep their seats or places⁵⁸ and observe strict silence whenever the Grand Master or presiding officer shall call to order.⁵⁹

[§74] b. **Manner of Speaking.** Every one who speaks shall rise and remain standing, addressing himself to the presiding officer. No member shall interrupt him, unless to call him to order, and after he has been set right, he may proceed, if he observe due order and decorum.⁶⁰ No brother is to speak more than once to the same question, unless by permission, and in nominating, or seconding the nomination of, an officer of Grand Lodge, shall not be permitted to speak more than three minutes.⁶¹

[§75] c. **Punishment for Transgressing Rules of Order.** He who breaks silence without leave from the Chair⁶² or fails to keep his seat⁶³ subjects himself to public reprimand and if at one Communication a member is twice called to order for transgressing these rules and is guilty of a third offense of the same nature, the Chair may peremptorily order him to leave the Lodge-room for that day.⁶⁴

[§76] 10. **Visitors to Grand Lodge.** None but members of Grand Lodge, the 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, or be admitted at any time, save by unanimous consent.⁶⁵

57. R. O., xviii.
58. R. O., ii, vii.
59. R. O., i, ii.
60. R. O., viii.
61. R. O., iii.

62. R. O., i, ii.
63. R. O., ii.
64. R. O., iv.
65. Consts., §107.

[§77] E. Voting Power of Members—1. In General. With the exceptions noted in the next three sections, each member of Grand Lodge is entitled to one vote.⁶⁶

[§78] 2. Representative of Particular Lodge. Each duly accredited Representative of a Lodge is entitled to three votes and one vote additional for each fifty members over the first fifty. A Master of a Lodge who is also an officer or other member of Grand Lodge is entitled to vote only as Representative of his Lodge.⁶⁷

[§79] 3. Grand Master. The Grand Master is entitled to two votes on any motion where an equal number of votes requires his decision.⁶⁸

[§80] 4. Grand Tiler. The Grand Tiler is not entitled to vote.⁶⁹

[§81] F. Powers of Grand Lodge—1. In General—a. Are Supreme, Sovereign and Inherent. Grand Lodge is the supreme and sovereign authority, executive, legislative and judicial, its powers being inherent⁷⁰ and subject only to the limitations discussed in the next two succeeding sections.

[§82] b. Limitations—(I) Generally. The powers of Grand Lodge are, however, subject to such limitation as it may impose upon itself or which are imposed by the Ancient Landmarks of Freemasonry or by the law of the land.⁷¹

66. Consts., §105; R. O., v.

67. Consts., §105; R. O., v.

68. R. O., v.

69. Consts., §105.

70. Consts., §101. Cf., 1878 p. 26, Comp. 193, 194, where the Grand Master, speaking of the Constitution of 1873, said: "At the very beginning, the Constitution declares: 'That the government of Free and Accepted Masons is reposed in Grand Lodges and in subordinate or particular Lodges.' Unless this is a vain use of words without meaning, the language quoted shows that both Grand and subordinate Lodges wield a delegated power, derived from a common source. Add the fact that the Grand Lodge is a representative body, standing in the place of the general assembly of Masons; that in this general assembly every Free and Accepted Mason within the realm was entitled to a voice and a vote; and it becomes clear that Grand and subordinate Lodges alike, derive both their existence and their authority from the free will and

consent of the Craft. That will and consent is expressed in the Constitution, which establishes the Grand Lodge and determines its relations to its subordinates; and as a necessary consequence all Masonic rights, powers and privileges not thus delegated remain in the rightful possession of the body of the Fraternity, or of the individual Mason. The Constitution ordained and established by the Free and Accepted Masons of New York, is, therefore, the measure, and the sole measure, of the rights and powers of this Grand Lodge."

71. Consts., §101.

A resolution was adopted "That it is inexpedient for this Grand Lodge to adopt any regulation to compel Masons, who are not members of any Grand Lodge, to pay a tax for the support of the institution, or to require such Masons to unite with Lodges, contrary to their inclination, or against the dictates of their own judgment." 1848 p. 45, Comp. 24; Comm. Gen. R., 1857 pp. 107-114, Comp. 32, 34 (1).

[§83] (II) At Special Communications. No legislation affecting the general interest of the Craft can be made, repealed or changed at a Special Communication of Grand Lodge except such as is stated in the notice of such Special Communication.⁷²

[§84] 2. Particular Powers of Grand Lodge—a. Amending or Suspending Constitutions—(I) Book of Constitutions or Code of Procedure—(A) Generally—(1) By Adoption at Two Successive Annual Communications. Except an amendment imposing upon the Particular Lodges or their members a new charge for the benefit of the Masonic Hall and Asylum Fund,⁷³ Grand Lodge may amend the Book of Constitutions or the Code of Procedure where the amendment is proposed in Grand Lodge at its Annual Communication, adopted by Grand Lodge at the same Communication and again adopted in like manner by Grand Lodge at the next succeeding Annual Communication. If any such amendment be adopted it shall be appended to the published Proceedings at the end, under the caption "Proposed Amendments to the Constitutions," or "Code of Procedure," as the case may be, and sent with the printed Proceedings to all the Lodges in the jurisdiction.⁷⁴

[§85] (2) By Adoption at Annual Communication and Ratification by Particular Lodges. Except an amendment imposing upon the Particular Lodges or their members a new charge for the benefit of the Masonic Hall and Asylum Fund,⁷⁵ Grand Lodge may amend the Book of Constitutions or Code of Procedure where the amendment is proposed in Grand Lodge at its Annual Communication, adopted by Grand Lodge at the same Communication and, during the next year and before the next Annual Communication thereafter, is 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.⁷⁶

[§86] (B) By Imposing New Charges for Benefit of Masonic Hall and Asylum Fund. No new charges shall be imposed upon the Lodges or their members for the benefit of the Masonic Hall and Asylum Fund, except by an amendment to the Constitutions, which shall not be valid until it shall have been submitted to, and adopted by, three-fourths of all the Lodges, and this limitation shall in no wise be amended except by the vote of the same number of Lodges.⁷⁷

[§87] (II) Rules of Order. Grand Lodge may amend or suspend the Rules of Order, but they shall not be suspended or amended at any time, except by a vote of two-thirds of Grand Lodge.⁷⁸

72. Consts., §102.
Notice of Special Communication,
see *infra*, §185.

73. See *infra*, §36.

74. Consts., §801.

75. See *infra*, §86.

76. Consts., §801.
Duty of Grand Master to promulgate adoption, see *infra*, §222.

77. Consts., §601.

78. Consts., §800.

[§88] b. Changing Name of Mason on Grand Lodge Roster. Upon presentation of satisfactory proof that the new name is habitually employed by a brother, that he uses it in his business and is known by it among his neighbors and associates, Grand Lodge will permit a change of name on its roster without the production of a court order authorizing a change of name.⁷⁹

[§89] c. Determining Masonic Regularity—(I) Of Grand or Particular Lodge—(A) In General. Grand Lodge has the right to determine for itself as to every body of men claiming to be Masonic throughout the world, whether Grand or Particular Lodges, whether they are regular or clandestine⁸⁰ and recognizes as Masonic only those organizations or bodies which it shall declare so to be or with which it is in Masonic affiliation.⁸¹

[§90] (B) Healing.⁸² Grand Lodge has declared that if satisfied that a candidate was not properly made it may require the degrees to be conferred anew, may require a new obligation, or may impose such other conditions as the case may require;⁸³ and, unless the Grand Master has already done so, must give its consent before a petition for initiation from a clandestine Mason can be received by a Particular Lodge.⁸⁴

[§91] (II) Of Other Masonic Bodies. Grand Lodge recognizes the following named organizations or bodies to be Masonic: The General Grand Royal Arch Chapter of the United States, The Grand Royal Arch Chapter of the State of New York, and the Royal Arch Chapters and other bodies under their jurisdiction; The General Grand Council of Royal and Select Masters of the United States, The Grand Council of Royal and Select Masters of the State of New York and the Councils under their jurisdiction; The Grand Encampment of Knights Templar of the United States, The Grand Commandery of the State of New York and the Commanderies under their jurisdiction; The Supreme Councils of the Ancient Accepted Scottish Rite of Free Masonry for the Northern and Southern Masonic Jurisdictions of the United States and the various bodies under their jurisdictions.⁸⁵

[§92] d. Disturbing Requirement of Physical Soundness. It was long held that the requirement that a candidate should be "hale and

79. Re Change of Member's Name, 1935 p. 66, approved 1935 p. 123, Comp. 1113.

This reversed Matter of Riverhead Lodge No. 645, 1918 p. 133, Comp. 813, and Matter of Radiant Lodge No. 739, 1921 p. 107, approved 1922 p. 209, Comp. 866, 867.

80. 1848 p. 33, Comp. 24.

Clandestine Lodge defined, see *supra*, §3.

81. Consts., §§507, 508.

82. Healing defined, see *supra*, §10.

83. 1856 p. 160, Comp. 30.

84. Gibson G. M., 1869 p. 47, Comp. 140; In re Petitions from Clandestine Masons, 1936 p. 62, approved 1936 p. 128, Comp. 1127, 1128.

85. Consts., §508.

sound, not deformed or dismembered" was a Landmark, which no action of Grand Lodge could alter or disturb.⁸⁶ The attitude of Grand Lodge has since changed and in 1922 amended the Book of Constitutions by authorizing a waiver in individual cases of physical disqualifications resulting from service in the World War⁸⁷ and in 1945 adopted a still further amendment authorizing the Grand Master "by dispensation in individual cases to waive disability to conform to the ritual," declaring that it "recognized physical qualification as a regulation rather than a Landmark."⁸⁸

[§93] e. Fixing Titles of Own Officers. Grand Lodge has power to fix the titles of its own officers and may unquestionably give any title to any officer it may wish.⁸⁹

[§94] f. Interfering in Affairs of Particular Lodge—(I) Abridging Right to Demand Ballot for Advancement. Grand Lodge has no power to abridge the right of a member of a Particular Lodge to demand a ballot for the second and third degrees without showing cause therefor.⁹⁰

[§95] (II) Changing Territorial Jurisdiction. Grand Lodge may change the territorial jurisdiction of a Lodge by amendment to the Constitutions.⁹¹

[§96] (III) Determining Appeal from Decision of Master or Warden. Grand Lodge may determine an appeal from the decision of a Master of a Particular Lodge, or from that of a Warden presiding in the absence of the Master.⁹²

[§97] (IV) Financial Matters—(A) Generally. Grand Lodge may not interfere with a Particular Lodge's control of its own financial affairs so long as this is exercised in a legal way.⁹³

86. 1856 p. 160, Comp. 29; 1857 pp. 107-114, Comp. 32, 43 (52); 1861 p. 176, Comp. 72; Gibson G. M., 1869 p. 27, Comp. 126.

87. Re Greene-Ulster District, 1940 p. 77, approved 1941 p. 213, Comp. 1158, 1160, discussing Consts., §346.

88. Consts., §346, subs. 3.

89. Matter of Guiding Star Lodge, 1910 p. 501, Comp. 295, alluding to the conferring of the title of "Most Worshipful" upon a Grand Secretary and Grand Warden.

90. King G. M., 1862 p. 28, Comp. 74, 75 (6).

Demand for rebalot, see *infra*, §§563-564.

Right of member to demand rebalot, see *infra*, §§1079-1080.

91. Matter of Mt. Vernon Lodge No. 263, 1911 p. 264, Comp. 561, 562.

92. Consts., §311.

Appeal from Master presiding, see *infra*, §974.

Appeal from Warden presiding, see *infra*, §1014.

93. Matter of Gouch, 1878 p. 26, Comp. 193, 195; Matter of Scotia Lodge, 1910 p. 504, Comp. 298, 301, in the absence of anything which would justify a charge of unmasonic conduct; In the Matter of Anthon Lodge, No. 769, 1932 p. 151 approved 1933 p. 178, Comp. 1072, 1074.

[\$98] (B) Assessments—(1) By Ordering. It would seem that in an extreme case Grand Lodge may order a Particular Lodge to assess its members to satisfy an existing lawful indebtedness.⁹⁴

[\$99] (2) By Reviewing. Grand Lodge may review an inordinate assessment as an abuse of discretion.⁹⁵

[\$100] (C) Compelling Relief. If, on complaint to Grand Lodge, it should appear that a Particular Lodge, having abundant means to give relief without injury to itself and without materially impairing its ability to comply with other calls on its resources, had arbitrarily refused to grant any relief to a worthy and distressed brother in good standing, or had doled or stinted such relief in a miserly way, no doubt such a total refusal to use the talent intrusted to its keeping would be remedied.⁹⁶

[\$101] (D) To Prevent Incurring of Non-Masonic Debt. Grand Lodge apparently may intervene where a Lodge is about to incur a debt or liability for a non-masonic purpose.⁹⁷

[\$102] (V) Forfeiture of Charter. Grand Lodge, at an Annual Communication and after trial of a Particular Lodge upon charges duly presented to the Grand Master, at which trial the Particular Lodge shall have been afforded an opportunity of being heard in its defense, and after the findings of the Trial Commission have been submitted to Grand Lodge, may declare the charter of a Particular Lodge forfeited.⁹⁸

[\$103] (VI) Requiring Submission of Proceedings for Examination. Grand Lodge at any time may require a Particular Lodge to submit its proceedings for examination⁹⁹ and where the minutes of the Lodge are kept in a foreign language may call upon it to render correct translations of the whole or any part thereof to Grand Lodge or to any committee thereof.¹

[\$104] (VII) Suspending Charter. Grand Lodge at any time may, upon proper cause shown, suspend the charter of a Particular Lodge.²

[\$105] g. Judicial Power of Grand Lodge—(I) Defined. The judicial powers of Grand Lodge may be exercised by the Grand Lodge

94. Gibson G. M., 1870 p. 46, Comp. 153.

Assessments by Lodge, see *infra*, §§694-717.

95. In the Matter of Construction, etc., 1910 p. 451, Comp. 438, 447.

96. Grand Master Gibson (1869), *quoted* with approval in In the Matter of Construction, etc., 1910 p. 451, Comp. 438, 444.

Duty of relief, see *infra*, §§813-815.

Right to relief, see *infra*, §1085.

97. In the Matter of Construction, etc., 1910 p. 451, Comp. 438, 452.

Masonic and non-masonic expenditures, see *infra*, §§746-755.

98. Consts., §337; Code P., §106.

Charges against Lodge, see *infra*, §§1177-1213.

99. Consts., §323.

1. 1857 p. 165, 167, Comp. 44, 45.

2. Consts., §339.

or delegated and are both original and appellate, embracing all matters of controversy and discipline.³

[\$106] (II) How Exercised—(A) In Exercise of Original Jurisdiction. In the exercise of its original jurisdiction in matters of discipline Grand Lodge, since 6 May 1942, acts through the Grand Master, the Proctor and Trial Commissions. The entire matter is discussed *in extenso* later in this volume.⁴

[\$107] (B) In Exercise of Appellate Jurisdiction. The primary appellate authority of Grand Lodge shall be exercised by the Commission of Appeals, which shall report to each Annual Communication of Grand Lodge, for its approval, modification or disapproval, in respect of all appeals determined by it during the preceding Masonic year and the decisions of Grand Lodge upon such report shall be conclusive upon all parties.⁵

[\$108] h. Participating in Politics. Masonry, as an organization, has nothing to do with political governments and the institution, as such, has no right to mingle in their affairs.⁶

[\$109] i. Remitting Fees. Grand Lodge may not remit the fee to be paid for a dispensation to form a new Lodge⁷ or for initiation.⁸

[\$110] j. Removing Member of Masonic Foundation. Grand Lodge, at any Annual Communication and for such cause as it shall consider sufficient, may remove from office any member of the Foundation.⁹

[\$111] k. Removing Trustee of Masonic Hall and Asylum Fund. At any Annual Communication, Grand Lodge, for such cause as it shall consider sufficient, may remove any Trustee of the Masonic Hall and Asylum Fund and upon doing so shall fill the vacancy by election for the unexpired term.¹⁰

[\$112] l. Rescinding the Constitutions. Grand Lodge cannot rescind a provision of the Constitutions except in the way pointed out in the instrument itself.¹¹

[\$113] m. Restoring Expelled Mason—(I) Right Recognized—(A) Generally. Grand Lodge has the power to restore an expelled Mason

3. Consts., §400.

4. See *infra*, §1105 *et seq.*

5. Code P., §401.

For procedure in detail, see *infra*, §§1439-1490.

6. King G. M., 1862 p. 28, Comp. 74, 76 (18).

7. King G. M., 1862 p. 28, Comp. 74, 81 (49), holding that it might, however, make an appropriation for the benefit of a Military Lodge equal to the fee for a dispensation.

8. King G. M., 1862 p. 28, Comp. 74, 81 (48).

9. Consts., §251.

Masonic Foundation for Medical Research, etc., see *infra*, §§388-403.

10. Consts., §201.

Trustees of Masonic Hall and Asylum Fund, see *infra*, §§361-383.

11. Comm. J. & Cond. M., 1868 p. 44, Comp. 121.

Amending Constitutions, see *supra*, §§84-87.

to Masonic rights and privileges after the expiration of one year from the commencement of the sentence, but this is a voluntary act which cannot be claimed as a matter of right.¹²

An unaffiliated brother convicted in a civil court of an offense requiring expulsion, but who was never tried Masonically and whose trial before a Masonic tribunal is barred by limitation, may be restored in a like manner.¹³

[§114] (B) Not Applicable when Expelled in Another Jurisdiction. Grand Lodge will not restore one who was expelled in another jurisdiction.¹⁴

[§115] (II) Proceedings Required for Restoration—(A) Petition—(1) Rule Stated. Application for restoration is by petition to Grand Lodge.¹⁵

[§116] (2) When and Where Petition for Restoration Filed. A petition for restoration must be filed with the Grand Secretary at least sixty days before the Annual Communication of Grand Lodge.¹⁶

[§117] (3) Contents of Petition for Restoration. A petition for restoration must contain a copy of the charges upon which the petitioner was tried¹⁷ and a statement of the grounds upon which he seeks restoration.¹⁸

[§118] (B) Notice of Filing Petition for Restoration—(1) To Trial Commissioners. The petitioner for restoration must, at the time of filing his petition, give notice thereof in writing to the surviving members of the Trial Commission which imposed punishment upon him.¹⁹

[§119] (2) To Aggrieved Lodge. Where a petitioner for restoration was expelled because of false statements in his petition for initiation, notice of the filing of his petition for restoration must also be given, in writing, to the aggrieved Lodge.²⁰

[§120] (C) Favorable Recommendation of Former Lodge—(1) When Required. Except under the circumstances mentioned in the next section, no action can or shall be taken unless the petition is

12. Code P., §500.

13. Restoration of an Unaffiliated Mason, etc., 1942 p. 118, approved 1942 p. 118, Comp. 1192.

14. Thorne G. M., 1876 p. 29, Comp. 178, 181 (xv).

15. Code P., §501.

16. Code P., §501.

17. Code P., §501; In the Matter of William S. Congalton, Comm. G., 1921 p. 129, Comp. 838.

This was waived, where the expul-

sion was imposed by a Lodge (under a practice abolished in 1942) when, from lapse of time or other cause, no copy was procurable in In the Matter of Peter Maria, 1921 p. 131, Comp. 839.

18. Code P., §501.

19. Code P., §502.

20. Code P., §502.

Aggrieved Lodge defined, see *supra*, §1.

accompanied by the favorable recommendation of the Lodge of which the petitioner was a member, or had last been a member, at the time of his expulsion.²¹ To correct what was evidently a clerical error, the filing of such a recommendation *nunc pro tunc* has been permitted.²²

[§121] (2) When Not Required. The filing of a favorable recommendation of the petitioner's former Lodge is unnecessary if proof be furnished that notice of the intended application, in writing and of not less than thirty or more than sixty days, has been served on such Lodge or that the Lodge no longer exists.²³

[§122] (3) How Obtained when Aggrieved Lodge in Another Grand Jurisdiction. Where the aggrieved lodge is in a sister Grand Jurisdiction, the reaction of such jurisdiction should be obtained through correspondence conducted by the Grand Secretary.²⁴

[§123] (D) Reference to Committee on Restorations. Petitions for restoration when presented to Grand Lodge shall be referred to the Committee on Restorations.²⁵

[§124] (E) Action by Grand Lodge on Report of Committee on Restorations. If the Committee on Restorations report favorably on a petition for restoration, the adoption of its report by Grand Lodge by a majority vote restores the petitioner to the rights and privileges of a non-affiliated Mason without further action.²⁶

[§125] (III) Effect of Restoration. Restoration to the rights and privileges of Masonry by the action of Grand Lodge does not restore the brother to membership in the Lodge of which he was a member at the time of his expulsion.²⁷ He becomes a non-affiliate²⁸ and remains such until affiliated with his former or another Lodge, which must be by petition for affiliation after such restoration and a unani-

21. Code P., §502; In the Matter of William S. Congalton, Comm. G., 1921 p. 129, Comp. 838.

22. In the Matter of Peter Maria, 1921 p. 131, Comp. 839.

23. Code P., §504; In the Matter of William S. Congalton, Comm. G., 1921 p. 129, Comp. 838; In the Matter of Henry Karmel, Comm. G., 1921 p. 133, Comp. 841, 847.

24. Petition of Michael Goldstein, 1951 p. 100, in which case Maryland objected to restoration which was accordingly denied; Petition of Benjamin Bernard Diamond, 1951 p. 102, where Connecticut reacted adversely and the petition was denied.

25. Code P., §505. Committee on Restorations. see *infra*, §348.

26. Code P., §505.

27. Comm. J., 1867 p. 49, Comp. 118, 119; Matter of Silentia Lodge No. 198, 1914 p. 166, Comp. 650, 651; Matter of True Craftsman's Lodge No. 651, 1916 p. 168, Comp. 756, 759; In the Matter of Radiant Lodge No. 739, 1932 p. 146, *approved* 1933 p. 178, Comp. 1063, 1066.

28. Code P., §505; Matter of True Craftsman's Lodge No. 651, 1916 p. 168, Comp 756, 759.

mous ballot thereon, as in the case of any other non-affiliated Mason.²⁹ 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.³⁰

[§126] n. **Reviewing Decisions of Grand Master.** Grand Lodge has at all times the right to review the decisions of the Grand Master.³¹

[§127] o. **Terminating Penalty of Suspension.** The penalty of suspension inflicted by a Trial Commission may be terminated at any time by Grand Lodge³² and such termination immediately restores and returns the brother to all his former relations with his Lodge and the Craft.³³

[§128] p. **With Respect to Grand Lodge Funds—(I) Permanent Fund.** No appropriation shall be made from the Permanent Fund without a vote of Grand Lodge had upon a resolution for such appropriation, which resolution shall state in detail the object and precise amount of the proposed expenditure and shall not be acted upon until at least one day after it has been introduced and read. All sums withdrawn must be replaced by appropriation at the next Annual Communication.³⁴

[§129] (II) **Revenue from Real Property.** Subject to the provisions of the act of incorporation, Grand Lodge must authorize the expenditure of any part of the net revenue derived by the Trustees of the Masonic Hall and Asylum Fund from the real property of the Fraternity.³⁵

[§130] (III) **Special Trusts.** Except for the purpose for which a Special or Trust Fund was created, a vote of Grand Lodge at an Annual Communication is necessary to an appropriation from any such fund.³⁶

29. King G. M., 1862 p. 28, Comp. 74, 77 (23), *approved* 1862 p. 206, Comp. 87, 88 (23); Paige G. M., 1864 p. 25, Comp. 98, 102 (26), *approved* 1864 p. 164, Comp. 105; Thorne G. M., 1875 p. 30, Comp. 163, 167 (31), *approved* 1875 p. 231, Comp. 175; Thorne G. M., 1876 p. 29, Comp. 178, 181 (xviii); Matter of Silentia Lodge No. 198, 1914 p. 166, Comp. 650; Matter of True Craftsman's Lodge No. 651, 1910 p. 168, Comp. 750, 759; In the Matter of Radiant Lodge No. 739, 1932 p. 146, *approved* 1933 p. 178, Comp. 1063, 1066.

Acquiring membership by affiliation, see *infra*, §§505-508.

30. Thorne G. M., 1876 p. 29, Comp. 178, 181 (xv).

31. 1870 p. 47, Comp. 157; In the Matter of New York Lodge No. 330, 1915 p. 212, Comp. 723, 734, *approved* 1916 p. 201, Comp. 788, 791.

Effect of decision until approved, see *infra*, §175.

Effect of decision when approved, see *infra*, §175.

32. Code P., §506.

33. Code P., §506; 1867 p. 59, Comp. 118, 119.

34. Consts., §203.
Permanent Fund defined, see *supra*, §18.

35. Consts., §204.

36. Consts., §206.

[§131] G. Revenues. The revenue of Grand Lodge shall be derived from the following sources:³⁷

- | | |
|--|----------|
| 1. For every Dispensation to form a new Lodge | \$100 00 |
| 2. And if a Charter 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: | |
| On parchment | 1 50 |
| On paper | 50 |
| 5. For every person initiated into a Lodge | 23 50 |
| \$3 whereof shall be appropriated to the Hall and Asylum Fund and \$20 whereof shall be paid to the Trustees of the Hall and Asylum Fund and by such Trustees held in perpetual trust, safely invested, and the income thereof used for the benefit of the Home and the Hospital as their respective needs may from time to time be by said Trustees determined. | |
| 6. For the affiliation fee of every Master Mason, Entered Apprentice and Fellow Craft | 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 and such additional sum not exceeding fifty cents per member as may be required to pay the expenses of Grand Lodge authorized by appropriations at an Annual Communication. | 1 00 |
| 9. Every Lodge shall pay for each of its members annually, which shall be appropriated to the Hall and Asylum Fund ³⁸ | 1 25 |

³⁷. Consts., §600.

³⁸. New Charges for this fund im-

posed only in one way, see *supra*, §86.

IV. GRAND OFFICERS [§§132-325]

A. IN GENERAL [§§132-141]

- 1. Eligibility [§132]**
- 2. Elective Grand Officers [§§133-137]**
 - a. Enumerated [§133]**
 - b. When Elected [§134]**
 - c. How Elected [§135]**
 - d. When Installed [§136]**
 - e. Term of Office [§137]**
- 3. Appointive Grand Officers [§§138-140]**
 - a. Enumerated [§138]**
 - b. By Whom and When Appointed [§139]**
 - c. Term of Office [§140]**
- 4. Nominated by Grand Master and Confirmed or Elected by Grand Lodge [§141]**

B. TITLES OF GRAND OFFICERS [§142]

C. VACANCIES [§§143-145]

- 1. How Caused [§143]**
- 2. How Filled [§§144-145]**
 - a. In General [§144]**
 - b. In Case of Grand Master [§145]**

D. COMPENSATION OF GRAND OFFICERS [§146]

E. PARTICULAR OFFICERS [§§147-325]

- 1. Grand Master [§§147-246]**
 - a. Cannot be Displaced During Term [§147]**
 - b. Duties and Powers of Grand Master [§§148-246]**
 - (I) In General [§148]**
 - (II) Advising or Instructing Trial Commission [§149]**
 - (III) Appointing Examiners of Masonic Foundation [§150]**
 - (IV) Appointing Director of Masonic War Veterans to Fill Vacancy [§151]**
 - (V) Appointing Member of Masonic Foundation to Fill Vacancy [§152]**
 - (VI) Appointing, Receiving and Accrediting Grand Representatives [§153]**
 - (VII) Appointing Tellers at Annual Communication of Grand Lodge [§154]**

- (VIII) **Appointing Trial Commissioners** [§155]
- (IX) **Approving Appointment of Assistant Grand Lecturers** [§156]
- (X) **Approving Circulars or Appeals** [§157]
- (XI) **Approving Depository of Grand Lodge Funds** [§158]
- (XII) **Approving Destruction or Transfer of Lodge Records** [§159]
- (XIII) **Approving Election of Director of Masonic War Veterans** [§160]
- (XIV) **Approving Expense of Audit** [§161]
- (XV) **Approving Official Bond** [§§162-164]
 - (A) *Of Grand Secretary* [§162]
 - (B) *Of Grand Treasurer* [§163]
 - (C) *Of Treasurer of Masonic Hall and Asylum Fund* [§164]
- (XVI) **Arresting Progress of Candidate** [§165]
- (XVII) **Authorizing Disbursements in Excess of Grand Lodge Budget** [§166]
- (XVIII) **Calling Special Communication of Grand Lodge** [§167]
- (XIX) **Certifying Surrender of Lodge Charter** [§168]
- (XX) **Compelling Lodge to Assess Members** [§169]
- (XXI) **Compelling Lodge to Grant Relief** [§170]
- (XXII) **Conferring Authority to Impart Standard Work** [§171]
- (XXIII) **Consenting to Receipt of Petition from Clandestine Mason** [§172]
- (XXIV) **Convening and Presiding in Any Lodge and Inspecting its Proceedings** [§§173-174]
 - (A) *In General* [§173]
 - (B) *To Communicate Sentence of Reprimand* [§174]
- (XXV) **Deciding Questions of Masonic Law** [§§175-176]
 - (A) *In General* [§175]
 - (B) *Appeal from Master or Warden in Chair* [§176]
- (XXVI) **Declaring Vacancy in Membership of Masonic Foundation** [§177]

- (XXVII) Declaring Vacancy in Trustees of Masonic Hall and Asylum Fund [§178]
- (XXVIII) Delegating Powers to Deputy Grand Master [§179]
- (XXIX) Determining Physical Qualifications of Candidate [§180]
- (XXX) Directing Preferring of Charges [§181]
- (XXXI) May Not Divest of Masonic Rights and Privileges [§182]
- (XXXII) Extending Time for Filing Official Bond [§183]
- (XXXIII) Giving Notice and Hearing [§184]
- (XXXIV) Giving Notice of Special Communication of Grand Lodge [§185]
- (XXXV) Giving or Procuring Professional Advice for Particular Lodge on Non-Masonic Matters [§186]
- (XXXVI) Granting Dispensations [§§187-211]
 - (A) *Generally* [§187]
 - (B) *To Change Prerequisite Qualifications for Master Not Permitted* [§188]
 - (C) *To Confer Degrees Outside Regular Lodge-Room* [§189]
 - (D) *To Decrease Interval Between Degrees* [§190]
 - (E) *To Elect or Install Officers* [§§191-195]
 - (1) *When Lodge Failed to Act at Proper Time* [§§191-192]
 - (a) *Rule Stated* [§191]
 - (b) *When Officer Elect Dies before Installation* [§192]
 - (2) *To Change Date of Election Not Permitted* [§193]
 - (3) *When Offices of Master and Wardens All Vacant* [§194]
 - (4) *To Avoid Vacancy at Annual Election* [§195]
 - (F) *To Form New Lodge* [§§196-200]
 - (1) *In General* [§§196-199]
 - (a) *Power Recognized* [§196]
 - (b) *Granting Not Mandatory* [§197]
 - (c) *Granting Not Precluded by Prior Refusal* [§198]
 - (d) *Amendment of Dispensation Permitted* [§199]
 - (2) *Ambulatory or Travelling Lodge* [§200]
 - (G) *To Increase Number to Receive Degrees* [§201]

GRAND OFFICERS

- (H) *To Interfere with Balloting on Petition for Degrees Not Permitted* [§202]
- (I) *To Invade Territorial Jurisdiction Not Permitted* [§203]
- (J) *To Permit Joint Installation of Lodge Officers* [§204]
- (K) *To Permit Conferring of First Degree in Another Lodge* [§205]
- (L) *To Permit Conferring of Degrees in Accordance with Work of Another Jurisdiction* [§206]
- (M) *To Permit Advancement of Brother from Foreign Jurisdiction* [§207]
- (N) *To Remit Fees for Degrees Not Permitted* [§208]
- (O) *To Waive Qualifications of Candidates* [§§209-211]
 - (1) *As to Age Not Permitted* [§209]
 - (2) *As to Answering Questions in Own Handwriting Not Permitted* [§210]
 - (3) *As to Physical Disqualification* [§211]

(XXXVII) **Indorsing Business Enterprise** [§212]

(XXXVIII) **Interdicting Conferring of Degrees** [§213]

(XXXIX) **Interfering with Acts of District Deputy Grand Master** [§214]

(XL) **Interfering with Use of Lodge Funds** [§215]

(XLI) **Making Masons at Sight** [§216]

(XLII) **Nominating and Appointing Grand Officers and Committees** [§§217-218]

(A) *Generally* [§217]

(B) *To Fill Vacancies* [§218]

(XLIII) **Ordering Payment by Lodge of Costs and Expenses of Trial** [§219]

(XLIV) **Participating in Political Affairs Not Permitted** [§220]

(XLV) **Presiding in Grand Lodge** [§221]

(XLVI) **Promulgating Consent of Lodges to Amendment to Constitutions** [§222]

(XLVII) **Referring Complaint to District Deputy Grand Master** [§223]

(XLVIII) **Regulating Manner of Mailing Lodge Notices** [§224]

(XLIX) **Remitting Fees for New Lodge Not Permitted** [§225]

- (L) Removing Appointed Grand Officer [§226]
- (LI) Requiring Attendance and Information of Grand Officers [§227]
- (LII) Restoring Expelled Mason Not Authorized [§228]
- (LIII) Restoring Suspended Lodge Charter [§229]
- (LIV) Reviewing Inordinate Lodge Assessment [§230]
- (LV) Sanctioning Removal of Lodge Meeting-Place [§231]
- (LVI) Signing Warrant of Appointment [§232]
- (LVII) Suspending Director of Masonic War Veterans [§233]
- (LVIII) Suspending Lodge Charter [§234]
- (LIX) Suspending Member of Masonic Foundation [§235]
- (LX) Suspending Lodge Officer [§236]
- (LXI) Suspending or Revoking Post Charter [§237]
- (LXII) Suspending Trustee of Masonic Hall and Asylum Fund [§238]
- (LXIII) Terminating Suspension Inflicted by Trial Commission [§239]
- (LXIV) Withdrawing Funds for Charity [§240]
- (LXV) With Respect to Trials and Discipline [§§241-246]
 - (A) *Acts upon All Complaints of Masonic Misconduct* [§241]
 - (B) *May Direct Charges of Own Motion* [§242]
 - (C) *Appoints Trial Commission* [§243]
 - (D) *Files Dismissed Complaint with Grand Secretary* [§244]
 - (E) *Challenge to Trial Commissioner* [§245]
 - (F) *Opening Default* [§246]
- 2. Deputy Grand Master [§§247-248]
 - a. Residential Requirement [§247]
 - b. Duties and Powers of Deputy Grand Master [§248]
- 3. Grand Wardens [§§249-250]
 - a. Residential Requirement [§249]
 - b. Duties and Powers of Grand Wardens [§250]

4. **Grand Treasurer** [§§251-261]
 - a. **Residential Requirement** [§251]
 - b. **Bond** [§§252-254]
 - (I) **Required of Grand Treasurer** [§252]
 - (II) **Form of Grand Treasurer's Bond** [§253]
 - (III) **Effect of Grand Treasurer's Failure to Give Bond** [§254]
 - c. **Duties of Grand Treasurer** [§§255-260]
 - (I) **In General** [§255]
 - (II) **To Attend upon Grand Lodge, Grand Master or Committees** [§256]
 - (III) **To Pay Orders** [§257]
 - (IV) **To Receive and Deposit Moneys** [§258]
 - (V) **To Report to Grand Lodge** [§259]
 - (VI) **To Surrender Moneys, Books, etc.** [§260]
 - d. **Compensation of Grand Treasurer** [§261]
5. **Grand Secretary** [§§262-291]
 - a. **Residential Requirement** [§262]
 - b. **Bond** [§§263-265]
 - (I) **Required of Grand Secretary** [§263]
 - (II) **Form of Grand Secretary's Bond** [§264]
 - (III) **Effect of Grand Secretary's Failure to Give Bond** [§265]
 - c. **Duties of Grand Secretary** [§§266-290]
 - (I) **In General** [§266]
 - (II) **To Attend upon Grand Lodge or Grand Master** [§267]
 - (III) **To Attest All Grand Lodge Instruments** [§268]
 - (IV) **To Certify that Lodge is Duly Chartered** [§269]
 - (V) **To Certify Status of Non-Affiliated Mason** [§270]
 - (VI) **To Conduct Correspondence of Grand Lodge** [§271]
 - (VII) **To Give Notice of Annual Communication of Grand Lodge** [§272]
 - (VIII) **To Keep Office Open During Certain Hours** [§273]

- (IX) To Keep Register of Rejections [§274]
- (X) To Notify Complaining Brother of Dismissal of Complaint by Grand Master [§275]
- (XI) To Notify Grand Lodges of Election of Grand Officers [§276]
- (XII) To Notify Lodges of Appointment of District Deputy Grand Master [§277]
- (XIII) To Notify Lodge of Members Continuing as Members of a New Lodge [§278]
- (XIV) To Notify Trial Commissioners of Appointment [§279]
- (XV) To Prepare Blanks [§§280-282]
 - (A) For Lodge Returns [§280]
 - (B) For Election of Proxies [§281]
 - (C) For Returns of District Deputy Grand Master [§282]
- (XVI) To Provide Ballots for Annual Communication [§283]
- (XVII) To Receive and Pay Over Moneys [§284]
- (XVIII) To Receive, File and Keep Papers of Grand Lodge [§285]
- (XIX) To Record Transactions of Grand Lodge [§286]
- (XX) To Register Initiates and Affiliates [§287]
- (XXI) To Report to Grand Lodge [§288]
- (XXII) To Take Property of Lodge Surrendering Charter [§289]
- (XXIII) To Transmit Papers on Appeal [§290]
 - d. Compensation of Grand Secretary [§291]
- 6. Grand Chaplains [§292]
- 7. Grand Lecturer and Assistant Grand Lecturers [§§293-300]
 - a. How Appointed [§293]
 - b. Qualifications of Grand Lecturer [§294]
 - c. Duties of Grand Lecturer [§§295-299]
 - (I) To Exemplify Work before Custodians of the Work [§295]
 - (II) To Hold Annual Meeting with Assistants [§296]
 - (III) To Impart Standard Work [§§297-298]
 - (A) Generally [§297]
 - (B) By Holding Annual Conventions [§298]

- (IV) To Certify to Skill and Ability of Lodge Under Dispensation [§299]
- d. Compensation of Grand Lecturers [§800]
- 8. Grand Pursuivant and Grand Tiler [§301]
- 9. Judge Advocate [§§302-303]
 - a. Qualifications [§302]
 - b. Duties and Powers of Judge Advocate [§303]
- 10. Proctor [§§304-306]
 - a. Qualifications [§304]
 - b. Duties and Powers of Proctor [§305]
 - c. Compensation of Proctor [§306]
- 11. District Deputy Grand Master [§§307-324]
 - a. Qualifications [§307]
 - b. Duties, Powers and Privileges of District Deputy [§§308-324]
 - (I) In General [§308]
 - (II) To Assemble Lodge to Elect Master and Wardens [§309]
 - (III) To Certify to Skill and Ability of Lodge Under Dispensation [§310]
 - (IV) To Determine Physical Qualifications of Candidate Not Authorized [§311]
 - (V) To Give or Procure Professional Advice on Non-Masonic Matters Not Duty [§312]
 - (VI) To Make Report [§§313-314]
 - (A) To Grand Master [§313]
 - (B) To Grand Secretary [§314]
 - (VII) To Receive Notice of Appeal from his Acts [§315]
 - (VIII) To Order Restoration of Unaffiliated Mason [§316]
 - (IX) To Receive Warrant of Appointment [§317]
 - (X) To Take Possession of Property of Dormant or Extinct Lodge [§318]
 - (XI) To Visit Lodges [§§319-323]
 - (A) In General [§319]
 - (B) Annual Official Visit [§§320-323]
 - (1) To be Made [§320]
 - (2) Shall Preside in Lodge [§321]
 - (3) Facts to be Ascertained [§322]
 - (4) Expenses of Official Visit [§323]
 - (XII) With Respect to Errors or Evils in District [§324]
- 12. Other Officers [§325]

IV. GRAND OFFICERS

[§132] A. In General—1. Eligibility. The Constitutions expressly make residence within a certain area a prerequisite to eligibility for election as Deputy Grand Master,¹ Grand Warden,² Grand Treasurer³ or Grand Secretary;⁴ require the Judge Advocate and Proctor to be "a Master or Past Master in good standing,"⁵ the Commissioners of Appeals to be "Masters or Past Masters in good Masonic standing,"⁶ the Grand Lecturer to be "a Master or Past Master of Masonic skill and learning"⁷ and a District Deputy Grand Master to be "a Master or Past Master and a member in good standing of some Lodge in the District for which he is appointed";⁸ require a vacancy to be filled by a Master or Past Master;⁹ and provide that no Trustee of the Masonic Hall and Asylum Fund¹⁰ or member of the Masonic Foundation for Medical Research and Human Welfare¹¹ shall be eligible to any office in Grand Lodge. With these exceptions, any brother in good standing is eligible to any Grand office.

[§133] 2. Elective Grand Officers—a. Enumerated. The elective Grand Officers are the Grand Master, Deputy Grand Master, Senior Grand Warden, Junior Grand Warden, Grand Treasurer and Grand Secretary.¹²

[§134] b. When Elected. The elective officers of Grand Lodge shall be elected at each Annual Communication¹³ at ten o'clock in the forenoon of the third day.¹⁴

[§135] c. How Elected. When only one candidate is in nomination at Grand Lodge, election may be by show of hands.¹⁵ Otherwise the election is by ballot and by a majority of votes, excluding blank ballots.¹⁶ Where, after the poll was closed, one of the nominees asked to withdraw his name, it was held that the ballot must first be

1. See *infra*, §247.
2. See *infra*, §249.
3. See *infra*, §251.
4. See *infra*, §262.
5. See *infra*, §§302, 304.
6. See *infra*, §351.
7. See *infra*, §294.
8. See *infra*, §307.
9. See *infra*, §144.
10. Consts., §200.
11. See *infra*, §403.
12. Consts., §109.

Prior to 1723, the date of publication of Anderson's Constitutions, there appear to have been but four Grand Officers in the Grand Lodge of England, viz., The Grand Master and Deputy, and the Grand Wardens, upon the first two of whom devolved the duties of Grand Secretary and Grand

Treasurer. These Constitutions, however, made provision for the election of those officers, and in 1722, William Cowper, Esq., was elected the first Grand Secretary, according to the authority of Preston. The same Constitutions, it is true, made mention of Stewards and Tiler, but did not recognize them as officers and the Stewards were not allowed to vote until 1735, when the twelve Grand Stewards were first recognized. *Comm. Cond. M.*, 1856 p. 167, *Comp.* 30.

13. Consts., §109.
 14. R. O., xv.
 15. Consts., §109; 1837 p. 8, *Comp.* 22.
 16. Consts., §109.
- Ballot defined, see *supra*, §2.
Manner of voting, see *supra*, §§71-72.

counted¹⁷ and, an illegal vote having been cast, a new ballot was ordered.¹⁸

[§136] d. **When Installed.** Elective Grand officers are installed immediately preceding the close of the Annual Communication¹⁹ at which they are elected, or on the nearest convenient day thereafter.²⁰

[§137] e. **Term of Office.** Elective Grand officers hold office for one year or until their successors are elected and installed.²¹

[§138] 3. **Appointive Grand Officers—**a. **Enumerated.** The appointive Grand Officers are a District Deputy Grand Master for each Masonic District, sixteen Grand Chaplains, Grand Marshal, Deputy Grand Marshal, Grand Standard Bearer, twelve Grand Sword Bearers, twelve Grand Stewards, twelve Grand Directors of Ceremonies, Senior Grand Deacon, Junior Grand Deacon, Grand Lecturer, Grand Historian, Grand Pursuivant, Grand Tiler,²² a Judge Advocate and a Proctor.²³

[§139] b. **By Whom and When Appointed.** The appointive Grand Officers are appointed by the Grand Master at the Annual Communication or within thirty days after the close thereof.²⁴

[§140] c. **Term of Office.** The appointive Grand officers hold office during the pleasure of the Grand Master or until their successors are appointed.²⁵

[§141] 4. **Nominated by Grand Master and Confirmed or Elected by Grand Lodge.** The Commissioners of Appeals, Trustees of the Masonic Hall and Asylum Fund, Members of the Masonic Foundation for Medical Research and Human Welfare and Directors of Masonic War Veterans, Inc., who will be treated in detail later, constitute four groups which, though nominated by the Grand Master, must be confirmed or elected by Grand Lodge.²⁶

[§142] B. **Titles of Grand Officers.** The title of the Grand Master is "Most Worshipful" and of the remaining Grand Officers, including the Commissioners of Appeals, the Trustees of the Masonic Hall and Asylum Fund, Judge Advocate and Proctor, "Right Wor-

17. 1835 p. 25, Comp. 22.

18. 1835 p. 25, Comp. 22.

19. R. O., xv.

20. Consts., §109.

21. Consts., §109.

22. Consts., §111.

23. Consts., §126.

24. Consts., §§111, 126.

25. Consts., §§111, 126.

26. Commission of Appeals, see *infra*, §§352-353.

Trustees of Masonic Hall and Asylum Fund, see *infra*, §§364-365.

Masonic Foundation, see *infra*, §§391-394.

Masonic War Veterans, see *infra*, §§407-409.

shipful," except the Grand Pursuivant and the Grand Tiler, whose title is "Worshipful."²⁷

[§143] C. Vacancies—1. How Caused. Where, as in the case of the first six officers, a Grand officer is required to be elected from a particular part of the state, his removal to the other part vacates his office.²⁸

[§144] 2. How Filled—a. In General. Whenever a vacancy shall occur in any Grand office the Grand Master may appoint any Master or Past Master to discharge the duties of the office till the vacancy shall be filled at the next Annual Communication²⁹ and so of a vacancy in the Commission of Appeals.³⁰

[§145] b. In Case of Grand Master.³¹ In case of the absence or disability of the Grand Master, or of a vacancy in his office, the Deputy Grand Master, Senior Grand Warden and Junior Grand Warden shall, in succession, assume his duties, powers and prerogatives for all purposes.³²

[§146] D. Compensation of Grand Officers. The compensation of those officers who receive a stated compensation for their services is fixed by Grand Lodge before said officers or any of them are elected or appointed and cannot be altered at any time so as to affect the incumbent in office. In the computation of time relative to salaries of said officers, the year shall be considered as commencing on the first day of May and such salaries shall be payable in equal monthly installments on the last day of each calendar month, except the month of February, when salaries shall be paid on the fifteenth.³³

[§147] E. Particular Officers—1. Grand Master—a. Cannot be Displaced During Term. A Grand Master cannot be displaced against his will until the expiration of his term and he remains Grand Master until his successor is installed.³⁴

27. Consts., §112.

Titles conferred by other Grand Lodges do not, as a matter of strict legal right, entitle the recipient to be accorded the same title in this state. Re Clermont Lodge No. 906, 1951 p. 22, *approved* 1951 p. 26, where it was said: "As a matter of pure courtesy, it is customary to accord to individuals who have received Masonic titles from other Grand Jurisdictions with which we stand in fraternal relationship, the titles in such foreign jurisdictions, but they are not entitled to inclusion in a delegation composed of 'Present and Past Grand Lodge Officers'."

28. Thus Deputy Grand Master

Myers advised that he had become "domiciliated" in Columbia County and thereby that his office became vacant. 1835 p. 20, *Comp.* 22.

29. Consts., §128.

30. Consts., §125.

31. In absence of all from Grand Lodge, see *supra*, §60.

32. Consts., §114. See also *infra*, §§248, 250.

33. Consts., §129.

Grand Treasurer, *infra*, §261.

Grand Secretary, *infra*, §291.

Grand Lecturer, *infra*, §300.

Grand Pursuivant, *infra*, §301.

Grand Tiler, *infra*, §301.

Proctor, *infra*, §306.

34. 1850 p. 65, *Comp.* 25.

[§148] b. Duties and Powers of Grand Master—(I) In General. When Grand Lodge is not in session, the Grand Master functions for Grand Lodge in all matters which are not otherwise specifically placed.³⁵

Neither the Landmarks nor the Ancient Regulations prescribe restrictions limiting his powers.³⁶ He possesses authority to authorize any action which is not forbidden by the Constitutions and principles of the Craft and which would enure to its benefit and to the general public welfare.³⁷ He is not, however, above and beyond that instrument nor are his powers unrestricted by it.³⁸

The Constitutions specifically enumerate many of his powers and, in addition, authorize him to exercise all the executive and judicial functions of Grand Lodge when it is not in session³⁹ and to do such other things as are inherent in and pertain to his office and are not in conflict with the Constitutions,⁴⁰ but he is nowhere invested with legislative powers.⁴¹

[§149] (II) Advising or Instructing Trial Commission. The Grand Master has no authority to advise or direct a Trial Commission as to its decision⁴² and, as a general rule, will decline to give instructions to, or decide questions properly to be decided by, a Trial Commission.⁴³ Where, however, the questions submitted are well settled and it is apparent that rulings of the Trial Commission to the contrary would result in error prejudicial to the accused brother and probably result in reversal, in event of conviction, and the accused brother practically joins in the request for advice, and it appears that some of the Trial Commissioners, concerning some of the questions raised, hold views contrary to accepted Masonic law, the rule may be relaxed to the extent of advising all parties on settled practice, to the end that an abortive trial be avoided.⁴⁴

[§150] (III) Appointing Examiners of Masonic Foundation. The Grand Master may appoint any Committee or any member or mem-

35. Comm. J., 1936 p. 126, 127, Comp. 1129.

36. Matter of Mt. Vernon Lodge of Java, 1910 p. 569, Comp. 388.

37. Matter of Niagara Frontier Lodge No. 132, 1941 p. 117, *approved* 1942 p. 111, 117, Comp. 1171, 1173.

When machinery was lacking for the consolidation of two existing Lodges, it was held that he had inherent power to authorize it and to lay down the procedure. Re Proposed Consolidation, etc., 1948 p. 63, *approved* 1948 p. 73. For resulting amendment to Constitutions, see *infra*, 880.

38. Comm. on App., 1866 p. 77, Comp. 112, 113, which said that "what-

ever is not granted to him therein, and is not fairly incident thereto, is not possessed by him."

39. Consts., §113, subs. 2; Mollenhauer G. M., 1935 p. 64, Comp. 1112.

40. Consts., §113, subs. 14.

41. Matter of Gouch, 1878 p. 26, Comp. 193.

42. Gibson G. M., 1869 p. 45, Comp. 136, 137; Matter of Remsen Lodge No. 677, 1914 p. 171, Comp. 658, 662.

43. Matter of Cherry Creek Lodge No. 384, 1914 p. 185, Comp. 676, 678.

Impropriety of Commission seeking advice, see *infra*, §1335.

44. Matter of Remsen Lodge No. 667, 1914 p. 171, Comp. 658, 662.

bers of Grand Lodge to examine the books, papers and records of the Masonic Foundation for Medical Research and Human Welfare.⁴⁵

[\$151] (IV) Appointing Director of Masonic War Veterans to Fill Vacancy. The Grand Master may appoint a Director of Masonic War Veterans of the State of New York, Inc., in place of one suspended by him.⁴⁶

[\$152] (V) Appointing Member of Masonic Foundation to Fill Vacancy. Should a vacancy occur in the membership of the Foundation for any other cause than the expiration of the term of office, such vacancy shall be filled by appointment by the Grand Master until the next Annual Communication of Grand Lodge.⁴⁷

[\$153] (VI) Appointing, Receiving and Accrediting Grand Representatives. The Grand Master is empowered to appoint Representatives of Grand Lodge near other recognized Grand Lodges and to receive and accredit Representatives of other recognized Grand Lodges near this Grand Lodge and whenever a Representative shall fail to attend the Communications of Grand Lodge for two consecutive years, or for any reason it may be expedient, the Grand Master may request that a new appointment be made.⁴⁸

[\$154] (VII) Appointing Tellers at Annual Communication of Grand Lodge. It is the duty of the Grand Master to appoint tellers at the election of Grand Officers, if more than one nomination be made, or whenever, at the Annual Communication of Grand Lodge, a vote by call of Lodges shall be ordered.⁴⁹

[\$155] (VIII) Appointing Trial Commissioners. When the Grand Master has entertained a complaint of Masonic misconduct, it is his duty to appoint a Trial Commission.⁵⁰

[\$156] (IX) Approving Appointment of Assistant Grand Lecturers. The Grand Master shall approve the appointment of Assistant Grand Lecturers.⁵¹

[\$157] (X) Approving Circulars or Appeals. The Grand Master must approve a circular or appeal to other Lodges or members for donations, or any purpose whatever, before the same may be lawfully issued.⁵² This includes a document of any sort to be issued to members of the Craft and non-members for the purpose of selling tickets

45. Consts., §251.

46. Consts., §279.

47. Consts., §§250, 251.

48. Consts., §113, subs. 12.

Grand Representatives, see *infra*, §§384-387.

49. R. O., xviii. See also *supra*, §72.

50. Code P., §29. See also *infra*, §§1234-1236.

51. Consts., §123.

Grand Lecturers, see *infra*, §293

et seq.

52. Consts., §501.

or soliciting donations for a fair⁵³ or soliciting funds to erect a memorial at the Home in Utica.⁵⁴

[\$158] (XI) Approving Depository of Grand Lodge Funds. It is the duty of the Grand Master to approve the depository or depositories for the deposit of Grand Lodge funds by the Grand Treasurer⁵⁵ or Trustees of the Masonic Hall and Asylum Fund.⁵⁶

[\$159] (XII) Approving Destruction or Transfer of Lodge Records. The Grand Master may approve the destruction or transfer of the permanent records of a Particular Lodge.⁵⁷

[\$160] (XIII) Approving Election of Director of Masonic War Veterans. To render the same effective, the Grand Master must approve an election of a Director by the Board of Directors of Masonic War Veterans of the State of New York, Inc., held to fill a vacancy caused by other than expiration of the term of office.⁵⁸

[\$161] (XIV) Approving Expense of Audit. The Grand Master may consent to the Committee on Finance drawing upon the Grand Treasurer for the compensation of an accountant employed by it to make the quarterly audit of the books of the Grand Treasurer, Grand Secretary and Trustees of the Masonic Hall and Asylum Fund.⁵⁹

[\$162] (XV) Approving Official Bond—(A) Of Grand Secretary. It is the duty of the Grand Master to approve the amount, form and sureties and to have custody of the bond required of the Grand Secretary.⁶⁰

[\$163] (B) Of Grand Treasurer. It is the duty of the Grand Master to approve the amount, form and sureties required to be filed by the Grand Treasurer.⁶¹

[\$164] (C) Of Treasurer of Masonic Hall and Asylum Fund. It is the duty of the Grand Master to approve the amount, form and sureties of the official bond of the Treasurer of the Trustees of the Masonic Hall and Asylum Fund.⁶²

[\$165] (XVI) Arresting Progress of Candidate. The Grand Master may arrest the progress of a candidate who is charged with being a convict or with possessing a bad character.⁶³

53. Matter of Greenbush Lodge, 1911 p. 238, Comp. 522.

54. Matter of Andrews, 1911 p. 237, Comp. 521.

55. Consts., §117, subs. 1.

56. Consts., §208.

57. Consts., §321.

58. Consts., §278.

59. Consts., §119.

Committee on Finance, see *infra*, §337.

60. Consts., §118, subs. 14. Grand Secretary's bond, see *infra*, §§263-265.

61. Consts., §117, subs. 7. Grand Treasurer's bond, see *infra*, §§252-254.

62. Consts., §207. Treasurer's bond, see *infra*, §§369-370.

63. 1860 pp. 183-184, Comp. 63, an Entered Apprentice.

[§166] (XVII) **Authorizing Disbursements in Excess of Grand Lodge Budget.** The Grand Master has power to authorize disbursements by an officer or committee of Grand Lodge in excess of the provision made therefor in the budget of Grand Lodge.⁶⁴

[§167] (XVIII) **Calling Special Communication of Grand Lodge.** The Grand Master may call Special Communications of Grand Lodge.⁶⁵

[§168] (XIX) **Certifying Surrender of Lodge Charter.** When satisfied that there has been full compliance with constitutional provisions, the Grand Master should certify to the Grand Secretary the surrender by a Lodge of its charter.⁶⁶

[§169] (XX) **Compelling Lodge to Assess Members.** While the Grand Master may order a Lodge to assess its members to pay an existing lawful indebtedness, he will not order such an assessment to be made except in some extreme case.⁶⁷

[§170] (XXI) **Compelling Lodge to Grant Relief.** It would seem that the Grand Master can, in the exercise of extreme power over a wholly recusant or miserly Lodge, compel the granting of relief to a distressed brother.⁶⁸

[§171] (XXII) **Conferring Authority to Impart Standard Work.** The Grand Master may confer authority upon a person other than the Grand Lecturer to impart the standard work and lectures to a Particular Lodge but this may not be given to persons hailing from other jurisdictions or to impart other than the work and lectures approved by Grand Lodge.⁶⁹

[§172] (XXIII) **Consenting to Receipt of Petition from Clandestine Mason.** The Grand Master may and, unless Grand Lodge has done so, must consent before a petition for initiation from a clandestine Mason can be received by a Particular Lodge.⁷⁰

64. R. O., xi, subs. 6.

65. Consts., §103.

Notice required to enact legislation, see *infra*, §185.

66. Re The Surrender of the Charter, etc., 1947 p. 53, *approved* 1947 p. 154.

Duty of Grand Secretary, see *infra*, §289.

67. Gibson G. M., 1870 p. 46, Comp. 153.

Assessments generally, see *infra*, §§694-717.

68. Grand Master Gibson (1869) *quoted* with approval in In the Matter

of Construction, etc., 1910 p. 451, Comp. 438, 444.

Duty of Lodge to with respect to relief, see *infra*, §§813-815.

Right of member to relief, see *infra*, §1085.

69. Paige G. M., 1864 p. 25, Comp. 98, 99 (9), *approved* 1864 p. 164, Comp. 105.

70. In re Petitions from Clandestine Masons, 1936 p. 62, *approved* 1936 p. 128, Comp. 1127, 1128.

Clandestine Mason defined, see *supra*, §4.

Status of Clandestine Mason, see *infra*, §1104.

[§173] (XXIV) Convening and Presiding in Any Lodge and Inspecting its Proceedings—(A) In General. The Grand Master is empowered to convene any Lodge within the jurisdiction, open and close the same, preside therein, inspect its proceedings and require its conformity to Masonic law.⁷¹ Hence when the Master and both Wardens of a Particular Lodge were absent in military service, he personally, or by his District Deputy for the District, might act as Master until the next annual election of the Lodge.⁷²

[§174] (B) To Communicate Sentence of Reprimand. The Grand Master has power to convene a Lodge of which accused is a member, or to depute this power to his District Deputy, and communicate the action of Trial Commissioners and of Grand Lodge finding defendant guilty and sentencing him to a reprimand.⁷³

[§175] (XXV) Deciding Questions of Masonic Law—(A) In General. Except during his absence, when the Deputy Grand Master succeeds to his powers,⁷⁴ the Grand Master alone has the power, during the recess of Grand Lodge, to decide questions of Masonic law in his jurisdiction.⁷⁵ His decision in a given case is binding on every one in that case.⁷⁶ His decisions, however, are at all times subject to review by Grand Lodge and until they are approved by Grand Lodge may be reversed or modified by the Grand Master who rendered them or by any succeeding Grand Master,⁷⁷ but when once construed by Grand Lodge, its interpretation should stand as the law in this jurisdiction until the statute be amended or repealed.⁷⁸ The impropriety of the Grand Master ruling in advance on questions which may subsequently be presented to him is manifest⁷⁹ and that

71. Consts., §113, subs. 4.

72. Matter of Suburban Lodge No. 1087, 1942 p. 56, *approved* 1942 p. 119, Comp. 1209, 1210.

73. Matter of Cryer, 1911 p. 222, Comp. 498, 499.

74. See *infra*, §248.

75. Simons G. M., 1861 p. 18, Comp. 64, 66 (23); Comm. J., 1936 p. 127, Comp. 1129.

76. Opinion A, 1947 p. 42, *approved* 1947 p. 154.

77. Comm. J., 1916 p. 201, Comp. 788, 791 (7), *approving* In the Matter of New York Lodge No. 330, 1915 p. 212, Comp. 723, which said that any other rule, such as was followed by the Grand Master and Judge Advocate in 1913 that when the Constitution, including the Definitions, Regulations and Code of Procedure, had heretofore been construed by a Grand Master, such decision would be accepted as law

until the statute in question be amended or repealed (Rep. J. A., 1913 p. 220, Comp. 582), would exalt the Grand Master above Grand Lodge in matters of constitutional construction; Opinion A, 1947 p. 42, *approved* 1947 p. 154.

78. In the Matter of St. Alban's Lodge No. 56, 1912 p. 227, Comp. 592, 593; Opinion A, 1947 p. 42, *approved* 1947 p. 154.

79. Matter of Zacharie, 1910 p. 528, Comp. 332, 333, determining disputed residence qualifications of a petitioner; Matter of Farrington, 1910 p. 557, Comp. 371, 372, determining whether the refusal of accused to produce certain papers requested by the prosecution would amount to a Masonic offense; Matter of Remsen Lodge No. 677, 1914 p. 171, Comp. 658, 661; Matter of Cherry Creek Lodge No. 384, 1914 p. 185, Comp. 676.

his opinion of a proposed by-law is advisory only has been emphasized.⁸⁰

[§176] (B) Appeal from Master or Warden in Chair. The Grand Master may determine an appeal from the decision of the Master of a Particular Lodge, or from that of a Warden presiding in the absence of the Master.⁸¹

[§177] (XXVI) Declaring Vacancy in Membership of Masonic Foundation. If any member of the Masonic Foundation for Medical Research and Human Welfare shall cease to be a member of a Lodge under the jurisdiction of Grand Lodge, his place as member of the Foundation shall be declared vacant by the Grand Master.⁸²

[§178] (XXVII) Declaring Vacancy in Trustees of Masonic Hall and Asylum Fund. If any Trustee of the Masonic Hall and Asylum Fund 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 Grand Lodge, his place as Trustee shall be declared vacant by the Grand Master.⁸³

[§179] (XXVIII) Delegating Powers to Deputy Grand Master. The Grand Master may delegate such of his executive and judicial functions as he may choose to the Deputy Grand Master.⁸⁴

[§180] (XXIX) Determining Physical Qualifications of Candidate. The Grand Master cannot determine the physical qualifications of a candidate and cannot issue a dispensation allowing a Lodge to disobey a Landmark.⁸⁵

[§181] (XXX) Directing Preferring of Charges. The Grand Master, of his own motion, may direct that charges be prepared for the purpose of a Masonic trial.⁸⁶

[§182] (XXXI) May Not Divest of Masonic Rights and Privileges. Not even the Grand Master is vested with the extraordinary power of divesting a brother of his Masonic rights and privileges.⁸⁷

[§183] (XXXII) Extending Time for Filing Official Bond. The Grand Master may extend the time within which the Grand Treasurer or Grand Secretary is required to file his official bond.⁸⁸

80. Hillside Lodge No. 894, 1948 p. 50, *approved* 1950 p. 73.

81. Consts., §311.

82. Consts., §250.

83. Consts., §200.

84. Consts., §115.

85. Matter of Mt. Vernon Lodge No. 263, 1943 p. 47, two fingers of right hand lost at second joint; Matter of Eastern Light Lodge No. 126, 1943 p. 47, a certified typhoid carrier.

86. Code P., §23; Gibson G. M., 1870 p. 42, Comp. 148, being satisfied that a profane has obtained one or more degrees by falsehood or fraud or in violation of the Constitutions or by other unlawful act; Matter of Prime, 1911 p. 231, Comp. 512, 520, against an elective officer of a Lodge.

87. In the Matter of Archimede Lodge No. 535, 1933 p. 114, *approved* 1933 p. 180, Comp. 1106-1109.

88. See *infra*, §§254, 265.

[\$184] (XXXIII) Giving Notice and Hearing. No Lodge officer or brother should be permanently deprived of any right, power or privilege by the Grand Master without notice and without a hearing.⁸⁹

[\$185] (XXXIV) Giving Notice of Special Communication of Grand Lodge. The Grand Master must give to each Particular Lodge at least thirty days' notice of a Special Communication of Grand Lodge, stating the proposed legislation, to make possible legislation by enactment, amendment or repeal affecting the general interest of the Craft.⁹⁰

[\$186] (XXXV) Giving or Procuring Professional Advice for Particular Lodge on Non-Masonic Matters. It is not his duty, nor can it be required of the Grand Master, to give or to procure professional advice for Lodges or brethren as to the effect of secular laws upon their actions or business dealings.⁹¹

[\$187] (XXXVI) Granting Dispensations—(A) Generally. In addition to three dispensations which are mentioned in the same section, the Grand Master is expressly authorized to grant such other dispensations as may be applied for in accordance with the Constitutions.⁹² He may authorize any action not forbidden by the Constitutions or the fundamental spirit or principles of the Fraternity which would enure to its benefit and to the general public welfare.⁹³

[\$188] (B) To Change Prerequisite Qualifications for Master Not Permitted. The Grand Master has no power to change the qualifications prerequisite to election as Master, as by authorizing an election from the floor of a brother who had not previously served for a year as Master or Warden.⁹⁴

[\$189] (C) To Confer Degrees Outside Regular Lodge-Room. The Grand Master may issue a dispensation for a Lodge to confer degrees outside a regular Lodge-room,⁹⁵ but where a Lodge has a meeting-place for its regular Communications, its request to be per-

89. Gibson G. M., 1869 p. 46, Comp. 138.

90. Consts., §103.

91. In the Matter of Franklin Lodge No. 216, 1910 p. 486, Comp. 487, 489-490.

Whether knowledge derived from papers produced by order at a Masonic trial would be privileged at the trial of a civil action on the theory of duress or actual or implied stipulation that the same should be "used on the Masonic trial and for no other purpose whatever" is for the civil court to determine. No decision of a Masonic

court or of its appellate tribunals would be binding upon the civil court. Matter of Farrington, 1910 p. 557, Comp. 371, 372.

92. Consts., §113, subs. 11.

93. Matter of Niagara Frontier Lodge No. 132, 1941 p. 117, approved 1942 p. 111, 117, Comp. 1171, 1173.

94. King G. M., 1862 p. 28, Comp. 74, 77 (22), to elect from floor without having served as Master or Warden.

Qualifications for Master, see *infra*, §§889-896.

95. Comm. J., 1903 p. 226, Comp. 243.

mitted to hold Special Communications at some other place in order to expedite the conferring of degrees, does not create such an emergency as authorizes the Grand Master to grant a dispensation therefor.⁹⁶

[§190] (D) To Decrease Interval Between Degrees. It is within the powers and prerogatives of the Grand Master to issue a dispensation reducing the interval of two weeks between degrees conferred upon the same candidate.⁹⁷

[§191] (E) To Elect or Install Officers—(1) When Lodge Failed to Act at Proper Time—(a) Rule Stated. The Grand Master may grant a dispensation to a Lodge to elect or to install such officer or officers as the exigencies of the case may require, if, at the time prescribed, the 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,⁹⁸ as where the Lodge charter, subsequently restored, was suspended at the time for the election of officers⁹⁹ or where, at the election, only two candidates were voted for neither of whom was eligible.¹ This empowers the Grand Master, in a proper case, to issue a dispensation to a Lodge to fill an *ad interim* vacancy in the office of Master, notwithstanding the presence in the Lodge of either or both of its duly elected and installed Wardens, or an *ad interim* vacancy in the office of Warden, notwithstanding the presence in the Lodge of the duly elected and installed Master or a Warden of the Lodge.²

[§192] (b) When Officer Elect Dies before Installation. When an officer elect dies before his installation, the Grand Master may issue his dispensation to hold a new election.³

96. Comm. J., 1917 p. 236, Comp. 806, 808 (4), *approving* Matter of Paul Revere Lodge No. 929, 1916 p. 174, Comp. 765.

97. Comm. J., 1942 p. 111, 112, Comp. 1212.

This resolution reversed Thorne G. M., 1875 p. 30, Comp. 163, 167 (25), which had been *contra* to King G. M., 1862 p. 28, Comp. 74, 79 (34).

98. Consts., §§113, subs. 9, 302; Matter of Cohoes Lodge No. 116, 1946 p. 84, *approved* 1946 p. 101, 102, where the election of the Junior Warden was void, the Master elect refused to be installed until after a new election and the Senior Warden elect refused to be installed if either of the former contenders for Junior Warden were elected; Matter of Whiteface

Mountain Lodge No. 789, 1947 p. 35, *approved* 1947 p. 154.

99. Matter of Suspension of Charter, 1911 p. 241 Comp. 526, 529.

1. Matter of Bronx Lodge, 1911 p. 244, Comp. 531, 540, holding that in such case, since the old officers continued until their successors were elected and installed, the dispensation might be granted or withheld in the Grand Master's discretion.

2. Matter of Red Jacket Lodge No. 646, 1910 p. 425, Comp. 404, 420; Matter of Baldwin Lodge No. 1047, 1041 p. 122, *approved* 1942 p. 114, Comp. 1178, 1179.

3. Gibson G. M., 1869 p. 47, Comp. 140, 144, in this instance the Senior Warden.

[§193] (2) To Change Date of Election Not Permitted. Although the Grand Master may issue a dispensation for the election of officers where a Lodge has failed to hold an election,⁴ he may not issue one in advance to hold an election at other than the constitutional date.⁵ Nor may he issue his dispensation to install officers who were elected at other than the constitutional date.⁶

[§194] (3) When Offices of Master and Wardens All Vacant. The Grand Master is specifically empowered to grant a dispensation for an election to fill vacancies where these occur in the office of Master and Wardens of a Lodge.⁷ If he be notified that such a situation has arisen,⁸ he should issue a dispensation to the District Deputy Grand Master of the District in which the Lodge is located, directing the assembling of the Lodge, the holding of an election to fill the vacancies and the installation of the officers.⁹

[§195] (4) To Avoid Vacancy at Annual Election. Where the Master wished to retire at the end of the year, the Senior Warden had died and the Junior Warden had removed from the jurisdiction, the Grand Master issued a dispensation for the special election of a Senior Warden that he might be eligible for election as Master at the annual communication, his power to do so being discretionary.¹⁰

[§196] (F) To Form New Lodge—(I) In General—(a) Power Recognized. While the right of a Grand Master to grant a dispensation to form a new Lodge is an ancient prerogative,¹¹ he is now expressly empowered to grant such a dispensation under the restrictions of the Constitutions,¹² to which restrictions he is necessarily subject.¹³

[§197] (b) Granting Not Mandatory. It is not mandatory that

4. See *supra*, §§191-192.

5. Matter of Pocahontas Lodge No. 211, 1947 p. 31, *approved* 1947 p. 154.

6. Matter of Ransonville Lodge No. 551, 1948 p. 47, *approved* 1948 p. 73, denying a dispensation to install officers who had been elected at the first communication in December, the regular annual meeting falling on Christmas, on the ground that if the Lodge by-laws provided for omitting the holiday communication no dispensation was needed and if they did not so provide the election was void and a dispensation would violate the Constitutions.

7. Consts., §113, subs. 8.

8. Duty of Lodge Secretary to report, see *infra*, § 1026.

9. Consts., §318.

10. Matter of Cohoes Lodge No. 116, 1943 p. 49 (6).

11. King G. M., 1862 p. 28, Comp. 74, 76 (21).

12. Consts., § 113, subs. 10.

13. Comm. Cond. M., 1862 p. 206, Comp. 87, 88 (21); Matter of Mt. Vernon Lodge of Java, 1910 p. 569, Comp. 388, 389; Matter of Charles H. Broas, 1917 p. 99, Comp. 795, *approved* 1918 p. 268, Comp. 811, 812 (2), which held that, under the then Constitution, the Grand Master had no power to issue a dispensation for the establishment of a Military Lodge in a territory which contained a duly constituted Grand Lodge with which Grand Lodge was in friendly relations.

the Grand Master grant a dispensation to form a new Lodge, even though all constitutional requirements have been met.¹⁴

[§198] (C) **Granting Not Precluded by Prior Refusal.** The Grand Master is not prohibited from granting a dispensation to form a new Lodge which he may have theretofore denied. He is not precluded by prior determinations. It is certainly within his province, during a second term of office, to assent to the prayer of a petition which he may have disallowed during a prior term of office, or to entertain again a petition which, though presented to him within the prescribed time, was not then in form to permit him to act under the Constitutions.¹⁵

[§199] (d) **Amendment of Dispensation Permitted.** The Grand Master may amend a dispensation for a new Lodge and remove, substitute or fill vacancies in the officers named therein,¹⁶ but a new certificate of eligibility is required.¹⁷

[§200] (2) **Ambulatory or Traveling Lodge.** Although the application was denied, an action approved by Grand Lodge, the power of the Grand Master to grant a dispensation to form a "Traveling Lodge" in France for the use of Americans and other English-speaking persons sojourning in that country, provided the territory be not occupied or under the jurisdiction of any governing Masonic body with which Grand Lodge is in fraternal intercourse, has been asserted.¹⁸

[§201] (G) **To Increase Number to Receive Degrees.** The Grand Master is expressly authorized to issue a dispensation to confer a degree on more than five candidates at one time.¹⁹

[§202] (H) **To Interfere with Balloting on Petition for Degrees Not Permitted.** The Grand Master may not, by dispensation, interfere in the balloting on the petition of an applicant for the degrees.²⁰

[§203] (I) **To Invade Territorial Jurisdiction Not Permitted.** The Grand Master cannot, by dispensation, authorize a violation of the Constitutions by any invasion of territorial jurisdiction.²¹

14. Matter of Silver Springs Lodge, 1910 p. 420, Comp. 397, 401; Re Manner of Installation, etc., 1941 p. 123, approved 1942 p. 114, 117, Comp. 1180, 1181.

15. Matter of Silver Springs Lodge, 1910 p. 420, Comp. 397, 402.

16. Matter of Bronx Lodge, 1910 p. 558, Comp. 372, 374; Owens G. M., 1935 p. 64, 65, approved 1935 p. 123, Comp. 1112.

17. Comm. J., 1918 p. 268, Comp. 811, 812 (4), approving Matter of Cosmic Lodge U. D., 1917 p. 99, Comp. 796.

18. 1894 p. 18, Comp. 229.

19. Consts., §361; Comm. J., 1942 p. 111, 122, Comp. 1212.

Number of candidates, see *infra*, §§638-639.

20. Matter of Granville Lodge, 1911 p. 262, Comp. 558.

Balloting on candidates, see *infra*, §§536-559.

21. Matter of Darcy Lodge, 1910 p. 543, Comp. 353.

Territorial jurisdiction, see *infra*, §§447-464.

[\$204] (J) To Permit Joint Installation of Lodge Officers. The Grand Master may properly grant a dispensation for the holding by two Lodges of common installation ceremonies at a place selected by them.²²

[\$205] (K) To Permit Conferring of First Degree in Another Lodge. To meet emergencies, particularly in the case of men in, or about to be inducted into, the armed forces, it is within the powers and prerogatives of the Grand Master to permit the conferring of the first degree upon a candidate by a Lodge other than the one in which he was accepted.²³

[\$206] (L) To Permit Conferring Degrees in Accordance with Work of Another Jurisdiction. The Grand Master, in his discretion and by special dispensation in individual instances, may authorize any Lodge to permit the conferring of any degree, or any part thereof, in accordance with the Standard Work and Lectures practiced in another jurisdiction, with which Grand Lodge stands in fraternal relationship, by a duly accredited Mason from such other jurisdiction.²⁴

[\$207] (M) To Permit Advancement of Brother from Foreign Jurisdiction. The Grand Master was authorized expressly to issue a dispensation permitting the conferring of the remaining degrees upon brethren who had been initiated in friendly foreign jurisdictions and were unable, by reason of war conditions, to obtain dimitts or certificates of Grand Secretaries when he was satisfied that their claims of due initiation were based on fact.²⁵

[\$208] (N) To Remit Fees for Degrees Not Permitted. The Grand Master has no authority to grant a dispensation for a Lodge to remit the fees required for the degrees.²⁶

[\$209] (O) To Waive Qualifications of Candidate—(1) As to Age Not Permitted. The Grand Master cannot issue a dispensation for a Lodge to receive a petition for initiation from one under age.²⁷

[\$210] (2) As to Answering Questions in Petition in Own Handwriting Not Permitted. The Grand Master has no authority to waive the constitutional requirement that a petition for initiation must be in the handwriting of the petitioner.²⁸

22. *Re Joint Installation Ceremonies*, 1942 p. 58, *approved* 1942 p. 120, *Comp.* 1211.

23. *Matter of Niagara Frontier Lodge No. 132*, 1941 p. 117, *approved* 1942 p. 111, 117, *Comp.* 1171, 1174; *Comm. J.*, 1942 p. 122, *Comp.* 1212.

24. *Consts.*, §366.

25. *Comm. J.*, 1943 p. 133.

26. *King G. M.*, 1862 p. 28, *Comp.*

74, 81 (48).

Fees for degrees, see *infra*, §§721-736.

27. *Matter of Genesee Falls Lodge No. 507*, 1947 p. 44, *approved* 1944 p. 154.

28. *Re Konosioni Lodge No. 950*, 1951 p. 19, *approved* 1951 p. 26, in favor of a blind petitioner, the procedure in such a case being suggested.

[§211] (8) As to Physical Disqualification. In individual cases the Grand Master has power by dispensation to waive disability to conform to the ritual, but not disability to earn a living for himself and family, which qualification must be determined by the Lodge²⁹ and, but for this exception, no dispensation can alter or disturb the principle of physical requirements.³⁰

[§212] (XXXVII) Indorsing Business Enterprise. The Grand Master should not give his official approval of, or recommend to the Lodges of the Fraternity the patronage or support of, any particular business concern, even though such business might, in his opinion, be beneficial to the Craft and the brethren.³¹

[§213] (XXXVIII) Interdicting Conferring of Degrees. The Grand Master may interdict the conferring of the degrees upon a candidate who is charged with being a convict or possessing a bad character,³² or who has obtained one or more of the degrees by falsehood or fraud, or in violation, knowingly, of the Constitutions or a general regulation, or any Landmark, or by other unlawful act,³³ or on a candidate over whom a Lodge had no territorial jurisdiction.³⁴

[§214] (XXXIX) Interfering with Acts of District Deputy Grand Master. The Grand Master will not interfere with the acts or decisions of a District Deputy Grand Master without giving him a chance to be heard in respect to the matters of which complaint is made.³⁵

[§215] (XL) Interfering with Use of Lodge Funds.³⁶ The Grand Master should not, in the absence of anything which would justify a charge of unmasonic conduct, interfere with the action of a Particular Lodge in the use of its funds,³⁷ but apparently may intervene when a Lodge is about to incur a debt or obligation for a non-masonic purpose.³⁸

29. Consts., §346.

30. 1820 2 Kane R., p. 158, Comp. 7, one who had lost an arm; Comm. Cond. M., 1861 p. 176, Comp. 72, commenting on a suggestion of Grand Master Simons (1861 p. 18, Comp. 64, 69) that the matter might safely be intrusted to the Grand Master; Comm. J., 1864 p. 145, Comp. 103, may not "alter one jot or tittle of the Landmark"; Thorne G. M., 1875 p. 30, Comp. 163, 173 (59), approved 1875 p. 231, Comp. 175; Matter of Livingston Lodge, 1910 p. 498, Comp. 290, 291; Matter of Wallace, 1910 p. 499, Comp. 292; Re Greene-Ulster District, 1940 p. 77, approved 1941 p. 213, Comp. 1158, 1160; Matter of Mt. Vernon Lodge No. 263, 1943 p. 47, two fingers of right hand lost at second joint;

Matter of Eastern Light Lodge No. 126, 1943 p. 47, a certified typhoid carrier.

31. Gibson G. M., 1869 p. 47, Comp. 140, 143.

32. 1860 pp. 183-184, Comp. 63.

33. Gibson G. M., 1870 p. 42, Comp. 148.

34. Matter of D'Arville, 1911 p. 227, Comp. 506.

35. King G. M., 1862 p. 28, Comp. 74, 80 (40).

District Deputy Grand Master, see *infra*, §§308-324.

36. Lodge funds, see *infra*, §§738-755.

37. Matter of Scotia Lodge, 1910 p. 504, Comp. 298, 301.

38. In the Matter of Construction, etc., 1910 p. 451, Comp. 438, 452.

[§216] (XLI) Making Masons at Sight. The making of Masons at sight in private Lodges and under the auspices of officers of Grand Lodge has been approved by Grand Lodge as a prerogative of the Grand Master.³⁹

[§217] (XLII) Nominating and Appointing Grand Officers and Committees—(A) Generally. The Grand Master is specifically empowered to nominate and appoint Grand Officers and Committees,⁴⁰ designating one of a committee to act as Chairman,⁴¹ and must cause his nominations for Trustees of the Masonic Hall and Asylum Fund,⁴² Members of the Masonic Foundation for Medical Research and Human Welfare⁴³ and Directors of Masonic War Veterans of the State of New York, Inc.,⁴⁴ to be inserted in the usual notification of the Annual Communication of Grand Lodge.

[§218] (B) To Fill Vacancies. The Grand Master is specifically authorized to fill a vacancy in any Grand Office,⁴⁵ in the Commission of Appeals⁴⁶ or among the Trustees of the Masonic Hall and Asylum Fund,⁴⁷ the Members of the Masonic Foundation for Medical Research and Human Welfare⁴⁸ and Directors of Masonic War Veterans of the State of New York, Inc.,⁴⁹ by appointment until the next succeeding Annual Communication of Grand Lodge; and in the Custodians of the Work⁵⁰ and Committee on Law Enforcement⁵¹ for the balance of the term.

[§219] (XLIII) Ordering Payment by Lodge of Costs and Expenses of Trial. When a Trial Commission shall impose upon either party the payment of any costs and the same shall not have been paid within a reasonable time, the Grand Master may, by warrant, order that the same, or any part thereof, be paid by the Lodge of which the party against whom the same were awarded is or was a member, or by the Grand Treasurer.⁵²

[§220] (XLIV) Participating in Political Affairs Not Permitted. The Grand Master has no right to give his official sanction to the

39. 1796 1 Kane R. pp. 177, 180, Comp. 3; Matter of Hartsdale Lodge No. 1013, 1936 p. 58, approved 1939 p. 118, Comp. 1151; Matter of Niagara Frontier Lodge No. 132, 1941 p. 117, approved 1942 p. 111, 117, Comp. 1171, 1173.

Grand Master Morgan Lewis reported that he had on June 6, 1837, conferred the three degrees of Masonry on Rev. Charles Vernon Kelly at sight and appointed him Grand Chaplain *pro tempore* of the Grand Lodge, being assisted by the Deputy Grand Master and other brethren summoned for the purpose. 1837 p. 6, Comp. 22. Brother Kelly was the first

Rector of St. Bartholomew's Church in New York City.

40. Consts., §113, subs. 3. See also Consts., §§111, 126; R. O., xi.

41. R. O., xi.

42. Consts., §200.

43. Consts., §250.

44. Consts., §278.

45. Consts., §128.

46. Consts., §125.

47. Consts., §200.

48. Consts., §250.

49. Consts., §278.

50. R. O., xi, subs. 10.

51. R. O., xi, subs. 14.

52. Code P., §301.

raising of a military regiment to be formed of Masons to be engaged in a civil war in which this or any other country is involved.⁵³ Nor has he, or a Past Grand Master, any authority to represent the Fraternity of this state in any national convention of a political character.⁵⁴

[§221] (XLV) Presiding in Grand Lodge. It is the right of the Grand Master to preside in Grand Lodge⁵⁵ and no appeal lies from his decision in the chair.⁵⁶

[§222] (XLVI) Promulgating Consent of Lodges to Amendment to Constitutions. When an amendment to the Constitutions has been adopted at one Annual Communication of Grand Lodge and submitted to the Particular Lodges for adoption, it is the duty of the Grand Master to make the same effective by promulgating the consent of a majority of the Lodges when that has been given.⁵⁷

[§223] (XLVII) Referring Complaint to District Deputy Grand Master. It has been decided that the Grand Master may refer a complaint by one Lodge against another to the District Deputy Grand Master to report on the same with his opinion and on such report may dismiss the charges and assess the expenses against each Lodge equally⁵⁸ and it is now expressly provided that after a complaint has been received by the Grand Master he may direct an attempt to adjust the matter without a prosecution of charges.⁵⁹

[§224] (XLVIII) Regulating Manner of Mailing Lodge Notices. It is clearly within the power of the Grand Master to disapprove of the practice of mailing Lodge notices in unsealed wrappers.⁶⁰

[§225] (XLIX) Remitting Fees for New Lodge Not Permitted. The Grand Master has no authority to remit the fee for the organization of any Lodge.⁶¹

[§226] (L) Removing Appointed Grand Officer The Grand Master has inherent power to remove appointed Grand Officers for cause.⁶²

53. King G. M., 1862 p. 18, Comp. 74, 76 (17).

54. King G. M., 1862 p. 28, Comp. 74, 76 (19).

55. Consts., §113, subs. 1.

56. 1850 p. 69, Comp. 25.

57. Consts., §801.

58. Matter of Fish House Lodge, 1871 p. 170, Comp. 159.

59. Code P., §26.

60. Matter of Rosbottom, 1910 p. 523, Comp. 325, 328.

61. King G. M., 1862 p. 28, Comp. 74, 76 (15), 81 (49).

Fees for new Lodge, see *infra*, §444.

62. Matter of Haines, Comm. App. 1910 p. 375, Comp. 255, Trial Commissioners.

[§227] (LI) **Requiring Attendance and Information of Grand Officers.** The Grand Master has power to require the attendance of, and information respecting his office from, any Grand Officer,⁶³ including the Trustees of the Masonic Hall and Asylum Fund.⁶⁴

[§228] (LII) **Restoring Expelled Mason Not Authorized.** The executive powers of the Grand Master do not authorize him to restore an expelled Mason to the rights and privileges of Masonry.⁶⁵

[§229] (LIII) **Restoring Suspended Lodge Charter.** The Grand Master has power to restore a suspended charter to a Lodge without awaiting the next Annual Communication of Grand Lodge.⁶⁶

[§230] (LIV) **Reviewing Inordinate Lodge Assessment.** The Grand Master may review an inordinate Lodge assessment as an abuse of discretion.⁶⁷

[§231] (LV) **Sanctioning Removal of Lodge Meeting-Place.** The Grand Master may sanction the removal of a Lodge from the town, village, city or portion of a city named in its charter and must do so before such removal can be had.⁶⁸

[§232] (LVI) **Signing Warrant of Appointment.** The Grand Master must sign the warrant of appointment of a District Deputy Grand Master.⁶⁹

[§233] (LVII) **Suspending Director of Masonic War Veterans.** The Grand Master, by written order and only after opportunity to be heard, may suspend a Director of Masonic War Veterans of the State of New York, Inc.⁷⁰

[§234] (LVIII) **Suspending Lodge Charter.** The Grand Master may at any time, upon proper cause shown, suspend the charter of a Particular Lodge, which suspension shall not extend beyond the next Annual Communication of Grand Lodge.⁷¹

63. Consts., §113, subs. 5.

64. Consts., §201.

65. Lewis G. M., 1859 p. 28, Comp. 56, 58 (29).

Restoration, see *supra*, §§113-125.

66. Matter of Suspension of Charter, 1911 p. 241, Comp. 526, 530.

67. In the Matter of the Construction, etc., 1910 p. 451, Comp. 438, 447.

Assessments, see *infra*, §§694-717.

68. Consts., §343.

Change of meeting-place, see *infra*, §§781-787.

69. Consts., §120.

70. Consts., §279.

71. Consts., §§113, subs. 7, 339; King G. M., 1862 p. 28, Comp. 74,

84 (67), practicing other than Standard work after admonition; Gibson G. M., 1869 p. 46, Comp. 138, for cause satisfactory to Grand Master; Thorne G. M., 1876 p. 29, Comp. 178, 180 (xiv), if the Lodge failed to do justice when a majority of its members were the subject of charges; Matter of Arrest of Charter, 1911 p. 238, Comp. 523, contumacy and disobedience; Chancellor Kent Lodge No. 870, 1923 pp. 54, 55, Comp. 867, important officers soliciting life insurance from members and candidates for initiation and advancement; Bronx Lodge No. 860, 1927 p. 65, Comp. 889, a serious condition in its affairs.

[§235] (LIX) **Suspending Member of Masonic Foundation.** Whenever Grand Lodge is not in session, the Grand Master, by a written order, may suspend from office any member of the Masonic Foundation for Medical Research and Human Welfare.⁷²

[§236] (LX) **Suspending Lodge Officer.** The Grand Master is specifically authorized, for just cause, to suspend any elected officer of a Lodge from the functions of his office,⁷³ as where charges have been,⁷⁴ or are directed by the Grand Master to be,⁷⁵ preferred against the Master or where the Secretary has refused to deliver the books and papers of the Lodge to the Master or to allow him to have access to them;⁷⁶ but this marks the limits of the Grand Master's power and the Master can be removed permanently only after trial as prescribed by the Constitutions.⁷⁷

[§237] (LXI) **Suspending or Revoking Post Charter.** The Grand Master may suspend or revoke the charter of a Post of Masonic War Veterans chartered by Masonic War Veterans of the State of New York, Inc.⁷⁸

[§238] (LXII) **Suspending Trustee of Masonic Hall and Asylum Fund.** When Grand Lodge is not in session, the Grand Master may, by a written order, for cause and after such Trustee shall have been given an opportunity to be heard with regard thereto, suspend any Trustee of the Masonic Hall and Asylum Fund and appoint a duly qualified person to perform his duties. Such suspension shall continue in force until acted upon by Grand Lodge at its next succeeding Annual Communication and no longer.⁷⁹

[§239] (LXIII) **Terminating Suspension Inflicted by Trial Commission.** The Grand Master may terminate, at any time, the penalty of suspension imposed by a Trial Commission.⁸⁰

[§240] (LXIV) **Withdrawing Funds for Charity.** The Grand Master is empowered to withdraw from the Trustees of the Masonic Hall and Asylum Fund, or from the Grand Treasurer, such sums of

72. Consts., §251.

73. Consts., §113, subs. 6.

74. Lewis G. M., 1859 p. 28, Comp. 56, 59 (33); Simons G. M., 1861 p. 18, Comp. 64 (7); Thorne G. M., 1875 p. 30, Comp. 163, 174 (63), approved 1875 p. 231, Comp. 175.

75. Matter of Prime, 1911 p. 231, Comp. 512, 520.

76. Anthony G. M., 1881 p. 37, Comp. 214.

77. Comm. on App., 1866 p. 77, Comp. 112.

Trials and Discipline, see *infra*, §1105 *et seq.*

78. Consts., §277.

79. Consts., §201.

Trustees of Masonic Hall and Asylum Fund, see *infra*, §§361-383.

80. Code P., §506.

money as are by him required for relief of brethren in this jurisdiction or in sister Grand Lodge jurisdictions in times of calamity and disaster.⁸¹

[\$241] (LXV) With Respect to Trials and Discipline— (A) Acts upon All Complaints of Masonic Misconduct. It is the duty of the Grand Master to pass upon all complaints of Masonic misconduct by directing an attempt to adjust the same without a prosecution or by dismissing or entertaining the same.⁸²

[\$242] (B) May Direct Charges of Own Motion. The Grand Master, of his own motion, may direct the preparation of charges for misconduct against an individual Mason or against a Particular Lodge.⁸³

[\$243] (C) Appoints Trial Commission. When the Grand Master has entertained a complaint of Masonic misconduct, he shall appoint a Trial Commission and file a certificate of such appointment with the Grand Secretary,⁸⁴ forwarding the complaint, with notice of the appointment, to the Proctor.⁸⁵

[\$244] (D) Files Dismissed Complaint with Grand Secretary. When the Grand Master has dismissed a complaint he shall forward the same to the Grand Secretary.⁸⁶

[\$245] (E) Challenge to Trial Commissioner. The Grand Master, in his absolute discretion, may sustain or overrule a challenge to a Trial Commissioner, naming a substitute if he sustains the challenge and notifying the Proctor of such substituted appointment.⁸⁷

[\$246] (F) Opening Default If an application to open a default is made after the Trial Commission has filed its decision, the Grand Master may grant or deny the same, indorsing thereon his reasons for his determination. If granted, the petition, with his indorsement, shall be transmitted to the Chairman of the Trial Commission.⁸⁸

[\$247] 2 Deputy Grand Master— a. Residential Requirement. When the Grand Master is chosen from the Metropolitan District, the Deputy Grand Master must be chosen from some other portion of the state; and when the Grand Master is chosen from any portion of the state other than the Metropolitan District, the Deputy Grand

81. Consts., §§113, subs. 13, 203.

82. Code P., §26.

83. Code P., §23.

84. Code P., §29.

85. Code P., §30.

86. Code P., §27.

87. Code P., §44.

Challenge to Trial Commissioner,
see *infra*, §§1276-1290.

88. Code P., §206.

Master must be chosen from that district. A residence of four months immediately preceding election is required.⁸⁹

[§248] b. Duties and Powers of Deputy Grand Master. The Deputy Grand Master has no powers other than those defined in the Constitutions.⁹⁰ Under these he has the power to discharge such executive and judicial functions of Grand Lodge as may be delegated to him by the Grand Master⁹¹ and it is his duty to perform such other duties as shall be prescribed by the Grand Lodge or Grand Master under the provisions of the Constitutions.⁹² During the latter's absence or disability, he assumes his duties, powers and prerogatives for all purposes.⁹³ Thus in the absence of the Grand Master he has power to decide questions of Masonic law.⁹⁴

[§249] 3. Grand Wardens—*a. Residential Requirement.* The Senior Grand Warden and Junior Grand Warden must be chosen from some part of the state other than the Metropolitan District. A residence of four months immediately preceding election is required.⁹⁵

[§250] b. Duties and Powers of Grand Wardens. It is the duty of the Senior Grand Warden and Junior Grand Warden to assist in the affairs of Grand Lodge, diligently to endeavor to preserve the Ancient Landmarks throughout the jurisdiction⁹⁶ and to perform such other duties as shall be prescribed by Grand Lodge or the Grand Master under the provisions of the Constitutions.⁹⁷ In the absence or disability of both the Grand Master and Deputy Grand Master, they shall, in succession, assume his duties, powers and prerogatives for all purposes.⁹⁸

[§251] 4. Grand Treasurer—*a. Residential Requirement.* The Grand Treasurer must be chosen from the Metropolitan District. A residence of four months immediately preceding election is required.⁹⁹

[§252] b. Bond.—(I) Required of Grand Treasurer. At the commencement of each term of office the Grand Treasurer must execute and file with the Grand Secretary an official bond in an amount and form and with sureties to be approved by the Grand Master.¹

89. Consts., §110.
Metropolitan District defined, see *supra*, §15.

90. Comm. Cond. M., 1857 p. 163, Comp. 44 (1).

91. Consts., §115.

92. Consts., §127.

93. Consts., §114.

94. Simons G. M., 1861 p. 18, Comp. 64, 66 (23).

95. Consts., §110.
Metropolitan District defined, see *supra*, §15.

96. Consts., §116.

97. Consts., §127.

98. See *supra*, §145.

99. Consts., §110.

Metropolitan District defined, see *supra*, §15.

1. Consts., §117, subs. 7.

[§253] (II) Form of Grand Treasurer's Bond. The Grand Treasurer's bond is conditioned that he will pay and deliver on demand to the Grand Lodge or to the "Trustees of the Masonic Hall and Asylum Fund," either in its corporate capacity or to its members as Trustees of the Permanent Fund, as the case may be, or as otherwise required by these Constitutions or the Grand Lodge, all funds and property that shall come into his hands as such Grand Treasurer, and that upon the expiration of his term of office he will well and truly account for and pay and deliver to his successor, or as the Grand Lodge shall direct, all moneys, books, writings and property of the Grand Lodge in his possession or under his control, or that shall have come into his hands as such Grand Treasurer and remain unexpended, with all proper assignments.²

[§254] (III) Effect of Grand Treasurer's Failure to Give Bond. Failure of the Grand Treasurer to give the required bond within thirty days after election shall be deemed a declination of the office unless the time therefor has been extended by the Grand Master.³

[§255] c. Duties of Grand Treasurer—(I) In General. In addition to the duties specifically prescribed by the Constitutions, the Grand Treasurer performs such other duties as may be prescribed by Grand Lodge or the Grand Master, under the provisions of the Constitutions.⁴

[§256] (II) To Attend upon Grand Lodge, Grand Master or Committees. The Grand Treasurer must attend upon Grand Lodge, when required, with the books and all documents relating to his office, and upon the Grand Master or any committee whose duty it may be to act in relation to the fiscal concerns of Grand Lodge.⁵

[§257] (III) To Pay Orders. It is the Grand Treasurer's duty to pay all orders, duly drawn under the Constitutions, laws or special direction of Grand Lodge and certified by the Grand Secretary⁶ and all orders drawn upon him by the Grand Master for the relief of brethren in this jurisdiction or in sister Grand Lodge jurisdictions in time of calamity and disaster.⁷

[§258] (IV) To Receive and Deposit Moneys. It is the duty of the Grand Treasurer to give vouchers for all moneys of Grand Lodge received by him from the Grand Secretary and to deposit all such moneys in the name of Grand Lodge, payable on his order as Grand

2. Consts., §117, subs. 7.
3. Consts., §117, subs. 7.
4. Consts., §127.

5. Consts., §117, subs. 5.
6. Consts., §117, subs. 2.
7. Consts., §117, subs. 3.

Treasurer, in some depository or depositories approved by the Grand Master.⁸

[\$259] (V) To Report to Grand Lodge. The Grand Treasurer must report annually to Grand Lodge the amount of his receipts and expenditures by items, from whom and when received and to whom and when paid.⁹

[\$260] (VI) To Surrender Moneys, Books, etc. At the expiration of his term of office the Grand Treasurer must well and truly account for and pay and deliver to his successor, or as Grand Lodge shall direct, all moneys, books, writings and property of Grand Lodge in his possession or under his control, or that shall have come into his hands as such Grand Treasurer and remain unexpended, with all proper assignments thereof.¹⁰

[\$261] d. Compensation of Grand Treasurer. The Grand Treasurer receives a stated compensation for his services which cannot be altered during his term.¹¹

[\$262] 5. Grand Secretary—a. Residential Requirement. The Grand Secretary must be chosen from the Metropolitan District. A residence of four months immediately preceding election is required.¹²

[\$263] b. Bond.—(I) Required of Grand Secretary. At the commencement of each term of office the Grand Secretary must execute and file with the Grand Master an official bond in an amount and form and with sureties to be approved by the Grand Master.¹³

[\$264] (II) Form of Grand Secretary's Bond. The bond is conditioned that the Grand Secretary will pay over promptly to the Grand Treasurer all moneys of Grand Lodge received by him and that he will at the expiration of his term deliver to his successor in office, or such person as shall be designated by Grand Lodge, all books, writings and property of Grand Lodge under his control with proper assignments.¹⁴

[\$265] (III) Effect of Grand Secretary's Failure to Give Bond. Failure of the Grand Secretary to give the required bond within thirty days after election shall be deemed a declination of the office unless the time therefor be extended by the Grand Master.¹⁵

8. Consts., §117, subs. 1.

9. Consts., §117, subs. 6.

10. Consts., §117, subs. 8.

11. Consts., §129.

12. Consts., §110.

Metropolitan District defined, see *supra*, §15.

13. Consts., §118, subs. 14.

14. Consts., §118, subs. 14.

15. Consts., §118, subs. 14.

[§266] c. Duties of Grand Secretary—(I) In General. In addition to the many duties considered in the next twenty-four sections, the Grand Secretary performs such other duties as may be prescribed by Grand Lodge or the Grand Master under the provisions of the Constitutions.¹⁶

[§267] (II) To Attend upon Grand Lodge or Grand Master. It is the duty of the Grand Secretary to attend, with any books, papers or writings under his control, or in his custody, all meetings of Grand Lodge and also to attend upon the Grand Master, on Masonic business, when required.¹⁷

[§268] (III) To Attest All Grand Lodge Instruments. It is the duty of the Grand Secretary to certify or attest all instruments from Grand Lodge¹⁸ and the warrant of appointment of each District Deputy Grand Master.¹⁹

[§269] (IV) To Certify that Lodge is Duly Chartered. When a Lodge requests the advancement of a brother in some other Lodge, the Grand Secretary must certify that the requesting Lodge is a duly chartered Lodge of this jurisdiction.²⁰

[§270] (V) To Certify Status of Non-Affiliated Mason. It is the duty of the Grand Secretary to furnish a certificate showing the status of a non-affiliated Mason to be used by the latter in lieu of a dimit upon presenting his petition for affiliation to another Lodge.²¹

[§271] (VI) To Conduct Correspondence of Grand Lodge. It is the duty of the Grand Secretary to conduct the correspondence of Grand Lodge under the direction of the Grand Master.²²

[§272] (VII) To Give Notice of Annual Communication of Grand Lodge. It is the duty of the Grand Secretary to give notice of the Annual Communication of Grand Lodge to the Lodges and the members of Grand Lodge and in doing so he shall request them to send in, within ten days after the reception of such notice, any proposition or business they wish to bring before Grand Lodge.²³

[§273] (VIII) To Keep Office Open During Certain Hours. The Grand Secretary must keep his office open for the transaction of Masonic business at least five hours each day, except Sundays and

16. Consts., §127.

17. Consts., §118, subs. 8.

18. Consts., §118, subs. 4.

19. Consts., §120.

20. Consts., §364.

Advancement in another Lodge, see *infra*, §§593-594.

21. Consts., §348.

22. Consts., §118, subs. 7.

23. R. O., xii. See also *supra*, §68.

Legal Holidays and except on Saturdays, on which latter day his office shall be open from nine forenoon until noon.²⁴

[§274] (IX) To Keep Register of Rejections. The Grand Secretary must keep an alphabetical register of all rejections officially reported to him from Lodges, specifying the date of such rejection, the age, occupation, nativity and residence of the person rejected, together with the name and number of the Lodge from which received and at all proper times must furnish the free inspection of said Register to all Master Masons in good standing.²⁵

[§275] (X) To Notify Complaining Brother of Dismissal of Complaint by Grand Master. When the Grand Master has dismissed a complaint of Masonic misconduct, it is the duty of the Grand Secretary to notify the complaining brother with all convenient speed.²⁶

[§276] (XI) To Notify Grand Lodges of Election of Grand Officers. Immediately after the election of the Grand Officers, it is the duty of the Grand Secretary to transmit to the several Grand Lodges, in correspondence with Grand Lodge, a certificate of the election of such officers, under the seal of Grand Lodge.²⁷

[§277] (XII) To Notify Lodges of Appointment of District Deputy Grand Master. The Grand Secretary is required to notify the Lodges in each Masonic District of the appointment of the District Deputy Grand Master for that District.²⁸

[§278] (XIII) To Notify Lodges of Members Continuing as Members of a New Lodge. The Grand Secretary, immediately on a new Lodge being constituted, shall notify all chartered Lodges, to which any of the new Lodge's members belonged when joining in the original petition therefor, of the granting of such charter and of the constitution of the Lodge thereunder, with the names of such original petitioners as continued their membership in such newly constituted Lodge.²⁹

[§279] (XIV) To Notify Trial Commissioners of Appointment. When the Grand Master has filed the certificate of appointment of a Trial Commission with the Grand Secretary, it is the duty of the latter to notify the Trial Commissioners of their appointment.³⁰

[§280] (XV) To Prepare Blanks—(A) For Lodge Returns. It is

24. Consts., §118, subs. 9.

25. Consts., §118, subs. 13.

26. Code P., §27.

27. Consts., §118, subs. 10.

28. Consts., §118, subs. 11.

29. Consts., §330.

30. Code P., §29.

the Grand Secretary's duty to prepare and forward to each Lodge, annually, blanks for returns of membership, returns of election of officers and tabular statements to District Deputy Grand Masters.³¹

[§281] (B) For Election of Proxies. The Grand Secretary is to prepare and furnish, when required, blanks for the election of Proxies to Grand Lodge.³²

[§282] (C) For Returns of District Deputy Grand Master. It is the duty of the Grand Secretary to furnish each District Deputy Grand Master with a list of the Lodges in his District and to furnish blank forms for the annual statement of District Deputy Grand Masters.³³

[§283] (XVI) To Provide Ballots for Annual Communication. For each Annual Communication of Grand Lodge, the Grand Secretary shall provide ballots in sufficient number, each having thereon the words "Yes"—"No," to be used in voting upon propositions.³⁴

[§284] (XVII) To Receive and Pay Over Moneys. The Grand Secretary must receive and keep a proper account of all moneys of Grand Lodge payable to him, with date of their receipt, and pay over the same promptly to the Grand Treasurer, taking his receipt.³⁵

[§285] (XVIII) To Receive, File and Keep Papers of Grand Lodge. It is the duty of the Grand Secretary to receive, duly file and safely keep all papers and documents of Grand Lodge,³⁶ except his own official bond which is filed with the Grand Master.³⁷

[§286] (XIX) To Record Transactions of Grand Lodge. It is the

31. Consts., §118, subs. 12.
Lodge returns generally, see *infra*, §831.

Duty of Lodge Secretary, see *infra*, §§1024-1025.

32. Consts., 118, subs. 12.

Proxies, see *supra*, §§42-46.

33. Consts., §118, subs. 11.

District Deputy's reports, see *infra*, §§313-314.

34. R. O., xix.

Voting at Grand Lodge, see *supra*, §§71-72.

35. Consts., §118, subs. 5.

36. Consts., §118, subs. 3.

Records of Masonic Trials.—1911 p. 363, Comp. 263, it was resolved that the Grand Secretary shall have the custody of all records of Masonic trials and disciplinary proceedings

under the Code of Procedure now deposited, or that may hereafter be deposited, or kept in his office; and it shall be his duty, from time to time, carefully to attend to the arrangement, separate indexing and preservation of all papers and documents in said proceedings and to keep an index to those hereafter instituted arranged in alphabetical order under the names of the respective defendants, with a reference to the filing number of each proceeding, which number shall be designated at the time of the filing of the first paper therein, and be continued upon each paper filed in said proceeding with the date of such filing. Said index shall also describe the character of each paper so deposited.

37. Consts., §118, subs. 14.

duty of the Grand Secretary to record the transactions of Grand Lodge.³⁸

[§287] (XX) To Register Initiates and Affiliates. It is the duty of the Grand Secretary to register all initiates and affiliates of Lodges under this jurisdiction returned to him for that purpose, with the particulars set forth in such returns.³⁹

[§288] (XXI) To Report to Grand Lodge. The Grand Secretary is required to report annually to Grand Lodge the amount of money received by him, by items and dates and the specific sources from which it was received, the Lodges that have neglected to render proper returns and such general information as to the state of the Lodges as may be proper for the information or action of Grand Lodge.⁴⁰

[§289] (XXII) To Take Property of Lodge Surrendering Charter. When notified by the Grand Master that a Lodge has surrendered its charter, it is the duty of the Grand Secretary to take the property of the Lodge, by demand if necessary.⁴¹

[§290] (XXIII) To Transmit Papers on Appeal. Upon the filing with the Grand Secretary of a copy of the notice of appeal, it is his duty, with all convenient speed, to transmit all papers pertaining to the case to the Chief Commissioner of Appeals.⁴²

[§291] d. Compensation of Grand Secretary. The Grand Secretary receives a stated compensation for his services which cannot be altered during his term.⁴³

[§292] 6. Grand Chaplains. It is the duty of the Grand Chaplains to attend the Grand Lodge and to conduct its religious services and to attend upon the Grand Master and officiate at public and private functions when designated so to do, for which services the necessary disbursements shall be paid.⁴⁴

[§293] 7. Grand Lecturer and Assistant Grand Lecturers—a. How Appointed. The Grand Lecturer is appointed by the Grand Master⁴⁵ and has power, subject to the approval of the Grand Master, to appoint one or more competent assistants in each Masonic District,⁴⁶ but

38. Consts., §118, subs. 1.

39. Consts., §118, subs. 2.

Changing name on roster, see *supra*, §88.

40. Consts., §118, subs. 6.

41. Re The Surrender of the Charter, etc., 1947 p. 53, approved 1947 p. 154.

42. Code P., §411.

43. Consts., §129.

44. Consts., §122.

45. Consts., §111.

46. Consts., §123. See also King G. M., 1862 p. 28, Comp. 74, 84 (69), ruling that it was not proper for a Lodge to hold meetings for instruction of the brethren in the standard work and lectures by others than its own officers and members unless given by the Grand Lecturer or by a brother authorized by him.

authority to impart the standard work and lectures to a subordinate Lodge must not be given to persons hailing from other jurisdictions, or to impart other than the work and lectures approved by Grand Lodge.⁴⁷

[§294] b. **Qualifications of Grand Lecturer.** A Grand Lecturer must be a Master or Past Master of Masonic skill and learning.⁴⁸

[§295] c. **Duties of Grand Lecturer—(I) To Exemplify Work before Custodians of the Work.** The Grand Lecturer annually, and before entering upon the holding of his conventions, shall exemplify the work, lectures and ceremonials before the Custodians of the Work.⁴⁹

[§296] (II) **To Hold Annual Meeting with Assistants.** The Grand Lecturer shall hold an annual meeting with his Assistant Grand Lecturers for the purpose of giving them proper instructions.⁵⁰

[§297] (III) **To Impart Standard Work—(A) Generally.** It is the duty of the Grand Lecturer and his assistants to impart the Standard Work and Lectures approved by Grand Lodge to the Lodges or brethren in this jurisdiction, in such manner as Grand Lodge may prescribe.⁵¹ This includes the obligation of Elected Master which, together with the secrets of the Chair, is to be imparted by the Grand Lecturer to Past Masters throughout the state.⁵²

[§298] (B) **By Holding Annual Conventions.** It is the duty of the Grand Lecturer and his assistants to hold annual conventions for the exemplification of the Standard Work in all of the Masonic Districts in the state.⁵³

[§299] (IV) **To Certify to Skill and Ability of Lodge Under Dispensation.** The Grand Lecturer or an Assistant Grand Lecturer must certify that a Lodge under dispensation has given proof of its skill and ability in the work as a prerequisite to such Lodge securing a charter.⁵⁴

[§300] d. **Compensation of Grand Lecturers.** The Grand Lecturer receives a stated compensation for his services which cannot be altered during his term.⁵⁵ He and the Assistant Grand Lecturers are also paid their transportation expenses to the annual meeting which they are required to hold.⁵⁶

47. Paige G. M., 1864 p. 25, Comp. 98. 99 (9), approved 1864 p. 164, Comp. 105.

48. Consts., §123.

49. R. O., xi, subs. 10.

Custodians of the Work, see *infra*, §334.

50. 1927 p. 172, Comp. 897.

51. Consts., §123.

*Standard Work, see *infra*, §§834-838.

52. 1925 p. 138, Comp. 882.

53. Consts., §123.

54. Consts., §332.

55. Consts., §129.

56. 1927 p. 172, Comp. 897.

[§301] 8. Grand Pursuivant and Grand Tiler. The Grand Pursuivant and Grand Tiler perform such duties as pertain to their offices⁵⁷ and such others as shall be prescribed by Grand Lodge or the Grand Master under the provisions of the Constitutions.⁵⁸ They receive a stated compensation for their services, which cannot be altered during their respective terms,⁵⁹ and their title shall be Worshipful.⁶⁰

[§302] 9. Judge Advocate—a. Qualifications. The Judge Advocate must be a Master or Past Master in good standing.⁶¹

[§303] b. Duties and Powers of Judge Advocate. The Judge Advocate is the legal adviser of the Grand Master⁶² with such duties as the Grand Master⁶³ or Grand Lodge⁶⁴ may prescribe. It is his duty to advise the Grand Master, or those to whom the Grand Master directs that opinions shall be given, what the law is and not what he and others believe it should be, he being an adviser and not a legislator.⁶⁵ As he stands only in the position of legal adviser to the Grand Master, requests for rulings should not be made directly to him.⁶⁶ It is not his duty, nor can it be required of him, to give or to procure professional advice for Lodges or brethren as to the effect of secular laws upon their actions or business dealings.⁶⁷

[§304] 10. Proctor—a. Qualifications. The Proctor must be a Master or Past Master in good standing.⁶⁸

[§305] b. Duties and Powers of Proctor. The Proctor shall perform such duties as are prescribed by the Code of Procedure.⁶⁹

[§306] c. Compensation of Proctor. The Proctor receives a stated compensation for his services which cannot be altered during his term.⁷⁰

[§307] 11. District Deputy Grand Master—a. Qualifications. Every District Deputy Grand Master shall be well skilled in the Standard

57. Consts., §124.

58. Consts., §127.

59. Consts., §129.

60. Consts., §112.

61. Consts., §126.

Good standing defined, see *supra*, §8.

62. Consts., §126.

63. Consts., §§126, 127.

64. Consts., §127.

65. Matter of Dryer, 1910 p. 488, Comp. 490, 492, in this case the President of the Trustees of the Masonic Hall and Asylum Fund; In the Matter of St. Alban's Lodge No. 56, 1913 p. 227, Comp. 592.

66. Hellings G. M., 1939 p. 22, Comp. 1147, who said that normally

such requests should be made to the Grand Master, either directly or through a District Deputy Grand Master, by a Lodge or its presiding officer. If, however, another brother presents such a request, he should notify his Lodge of the fact, giving it an opportunity to communicate with the Grand Master if it so desire.

67. In the Matter of Franklin Lodge No. 216, 1910 p. 486, Comp. 487.

68. Consts., §126.

Good standing defined, see *supra*, §8.

69. Consts., §126.

For detailed duties, see *infra*, §1105 *et seq.*

70. Consts., §129.

Work of the three degrees of Ancient Craft Masonry and in the customs and usages of the Craft and shall be a Master or Past Master and a member in good standing of some Lodge in the District for which he is appointed.⁷¹

[§308] b. Duties, Powers and Privileges of District Deputy—(I) In General. A District Deputy Grand Master takes office immediately upon his appointment by the Grand Master and, at such time, is fully vested with the powers and subject to the obligations of his office.⁷²

In addition to the specific duties and powers considered in following sections, a District Deputy Grand Master shall perform such other services and duties as may be deputed or intrusted to him by the Grand Master or by Grand Lodge.⁷³ His judicial powers are limited by the Constitutions.⁷⁴

[§309] (II) To Assemble Lodge to Elect Master and Wardens. When the Grand Master shall have issued his dispensation for the purpose of filling a vacancy in the offices of Master and Wardens, it shall be the duty of the District Deputy Grand Master to assemble the Lodge and hold an election to fill the vacancies and to install the officers elected.⁷⁵

[§310] (III) To Certify to Skill and Ability of Lodge Under Dispensation. The District Deputy Grand Master of the District in which the Lodge is to be located must certify to its skill and ability by work under the dispensation as a prerequisite to its securing a charter.⁷⁶

[§311] (IV) To Determine Physical Qualifications of Candidate Not Authorized. A District Deputy Grand Master cannot decide the matter of the physical qualifications of a candidate.⁷⁷

[§312] (V) To Give or Procure Professional Advice on Non-Masonic Matters Not Duty. It is not the duty of a District Deputy Grand Master to give or to procure professional advice for Lodges in his District, or for members thereof, as to the effect of secular laws upon their actions or business dealings and he should decline to interfere in such matters officially. Professional advice must be obtained through private counsel.⁷⁸

71. Consts., §120.

Masonic Districts, see *supra*, §31.

72. Rowlands G. M., June 12, 1951.

73. Consts., §121, subs. 6.

74. Paige G. M., 1864 p. 25, Comp. 98, 101 (23), approved Comm. J., 1864 p. 164, Comp. 105, and referring to an earlier Constitution.

75. Consts., §318.

76. Consts., §332.

77. In the Matter of Kilwinning Lodge, 1910 p. 494, Comp. 285, 290; Matter of Wallace, 1910 p. 499, Comp. 292.

Physical qualifications, see *infra*, §§498-499.

78. In the Matter of Franklin Lodge No. 216, 1910 p. 486, Comp. 487, 489-490.

[[§313] (VI) To Make Report—(A) To Grand Master. A District Deputy Grand Master must prepare a report, for the year ending on the first day of April, of the general conditions of Masonry in his District and of his acts therein, with such particulars as he may deem necessary, including the names and numbers of the Lodges in his District not visited by him, together with the reasons therefor, and transmit such report to the Grand Master on or before the fifteenth day of April.⁷⁹

[[§314] (B) To Grand Secretary. It is the duty of a District Deputy Grand Master 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 thirty-first day of December and to transmit such report to the Grand Secretary on or before the fifteenth day of April, to be by him laid before Grand Lodge.⁸⁰

[[§315] (VII) To Receive Notice of Appeal from his Acts. A District Deputy Grand Master is entitled to be notified of appeals from his acts or decisions.⁸¹

[[§316] (VIII) To Order Restoration of Unaffiliated Mason. A District Deputy Grand Master has the power to determine and order in what cases a member, alleged to have been illegally unaffiliated for non-payment of dues, shall be restored;⁸² but this applies only to cases where there has been a manifest irregularity in the proceedings.⁸³

[[§317] (IX) To Receive Warrant of Appointment. A District Deputy Grand Master shall receive a warrant of his appointment signed by the Grand Master and attested by the Grand Secretary.⁸⁴

[[§318] (X) To Take Possession of Property of Dormant or Extinct Lodge. A District Deputy Grand Master has the power and it is his duty to take possession of the funds and property of any dormant or extinct Lodge in his District and transfer the same to the Grand Secretary.⁸⁵

[[§319] (XI) To Visit Lodges—(A) In General. It is the right of the District Deputy Grand Master to visit the Lodges in his District at any and all times.⁸⁶

[[§320] (B) Annual Official Visit—(1) To be Made. It is the duty

79. Consts., §121, subs. 5.

80. Consts., §121, subs. 4.

81. King G. M., 1862 p. 28, Comp. 74, 80 (40).

82. Consts., §121, subs. 2.

83. Simons G. M., 1861 p. 18, Comp. 64, 66 (27); Crane G. M., 1864 p. 25, Comp. 98, 101 (24), approved 1864 p. 164, Comp. 105.

84. Consts., §120.

85. Consts., §121, subs. 3.

86. Paige G. M., 1864 p. 25, Comp. 98, 102 (25), approved 1864 p. 164, Comp. 105.

Duty of Lodge to receive, see *infra*, §806.

Refusal of Master to admit an offense, see *infra*, §1172.

of the District Deputy Grand Master to visit officially every Lodge in his District at least once during his term, if practicable.⁸⁷

[§321] (2) **Shall Preside in Lodge.** It is the duty of the District Deputy Grand Master to preside in each Lodge on the occasion of his official visit.⁸⁸

[§322] (3) **Facts to be Ascertained.** On the occasion of his official visit to a Lodge, a District Deputy Grand Master shall examine its books and records and see if they are properly kept; inform himself of the number of members and the punctuality and regularity of their attendance; ascertain the state and condition of the Lodge in all respects; point out any errors he may discover in their conduct and mode of working; and instruct them in every particular wherein he shall find they may require or may desire information and particularly recommend attention to the moral and benevolent principles of Masonry and caution in the admission of candidates.⁸⁹

[§323] (4) **Expenses of Official Visit.** All necessary expenses incurred by the District Deputy Grand Master on the occasion of his annual official visit to a Lodge shall be paid by the Lodge so visited.⁹⁰

[§324] (XII) **With Respect to Errors or Evils in District.** If the District Deputy Grand Master discover any Masonic error or evil in his District, it is his duty to endeavor to arrest the same immediately by Masonic means and, if he judge it expedient, to report the same to the Grand Master.⁹¹

[§325] 12. **Other Officers.** It is the duty of the Grand Marshal, Deputy Grand Marshal, Grand Standard Bearer, Grand Sword Bearers, Grand Stewards, Grand Directors of Ceremonies, Grand Deacons and Grand Historian to perform such duties as pertain to their respective offices⁹² and such other duties as shall be prescribed by Grand Lodge or the Grand Master, under the provisions of the Constitutions.⁹³

87. Consts., §121, subs. 1.

88. Consts., §121, subs. 2.

89. Consts., §121, subs. 2.

90. Consts., §121, subs. 1.

91. Consts., §121, subs. 2.

92. Consts., §124.

93. Consts., §127.

V. GRAND LODGE COMMITTEES [§§326-349]**A. IN GENERAL** [§§326-328]

1. When and by Whom Appointed [§326]
2. Number Composing Committees [§327]
3. Term of Committeemen [§328]

B. PARTICULAR COMMITTEES [§§329-349]

1. Boards of Relief and Employment Bureaus [§329]
2. Charity [§330]
3. Charters [§331]
4. Constitutions [§332]
5. Credentials and Returns of Lodges [§333]
6. Custodians of the Work [§334]
7. Endowment [§335]
8. Fifty Year Service Medal [§336]
9. Finance [§337]
10. Foreign Correspondence [§338]
11. Grand Lodge Awards for Distinguished Achievement [§339]
12. Law Enforcement [§340]
13. Lodge Records and Finance [§341]
14. Masonic Benevolence [§342]
15. Masonic Education and Lodge Service [§343]
16. Masonic Jurisprudence [§344]
17. Necrology [§345]
18. Pay of Members and Representatives [§346]
19. Public Relations and Publications [§347]
20. Restorations [§348]
21. Standing Committee on Hall and Asylum [§349]

V. GRAND LODGE COMMITTEES.

[§326] **A. In General—1. When and by Whom Appointed.** Members of the standing committees of Grand Lodge, one of whom shall be designated by him to act as Chairman, are appointed by the Grand Master at the opening of each Annual Communication or at such time and in advance thereof as he shall deem expedient.¹

[§327] **2. Number Composing Committee.** Except as hereinafter stated, each standing committee of Grand Lodge shall consist of five members.²

[§328] **3. Term of Committeemen.** Except as hereinafter stated, the members of the standing committees of Grand Lodge are appointed for one year.³

[§329] **B. Particular Committees—1. Boards of Relief and Employment Bureaus.** It is the duty of the Committee on Boards of Relief and Employment Bureaus to coordinate, stimulate and advise the Boards of Relief and Employment Bureaus throughout the state and to gather statistics regarding these agencies.⁴

[§330] **2. Charity.** The Committee on Charity⁵ reports on appropriations for the relief and maintenance of the dependents of brethren of Grand Lodge.⁶

[§331] **3. Charters.** The Committee on Charters shall consist of nine members and to it may be referred all applications for dispensations to form new Lodges and all applications for charters and all cases of forfeited charters. It shall not act upon any application for a charter, unless it shall have been recommended by the nearest Lodge; nor shall any charter be revived which has been forfeited previous to June, 1839; nor any other charter forfeited since that time, unless it be first surrendered.⁷

[§332] **4. Constitutions.** To the Committee on Constitutions shall be referred all propositions to amend the Constitutions and Rules of Order of Grand Lodge.⁸

[§333] **5. Credentials and Returns of Lodges.** The Committee on Credentials and Returns of Lodges⁹ reports to Grand Lodge the Lodges entitled to be represented at the Annual Communication and the names of the representatives of such Lodges¹⁰

[§334] **6. Custodians of the Work.** This is a committee of five members, each of whom is now appointed for a term of three years. Should any vacancy occur, the Grand Master shall fill the same for

1. R. O., xi.

2. R. O., xi.

3. R. O., xi.

4. R. O., xi, subs. 15.

5. R. O., xi, subs. 9.

6. See, for example, 1934 p. 157.

7. R. O., xi, subs. 4.

8. R. O., xi, subs. 8.

9. R. O., xi, subs. 1.

10. See, for example, 1934 p. 127.

the balance of the term. The Grand Lecturer, before entering upon the holding of his conventions, is required annually to exemplify the work, lectures and ceremonials before this Committee, and no change shall be made in the Work as established by Grand Lodge except upon the report of such Committee and the favorable action of Grand Lodge thereon.¹¹

[§335] 7. Endowment. The Committee on Endowment shall consist of such number of members as the Grand Master shall appoint. Its duty is to promote methods to secure funds, such as gifts and bequests, for the maintenance and extension of the charitable work of the Trustees of the Masonic Hall and Asylum Fund.¹²

[§336] 8. Fifty Year Service Medals. It is the duty of the Committee on Fifty Year Service Medals to award the Grand Lodge Fifty Year Service Medal and any additions thereto to such members of the Fraternity, within this Grand Jurisdiction, as shall be ascertained by the committee to have served the Fraternity faithfully during a membership of at least fifty years.¹³

[§337] 9. Finance. The Book of Constitutions makes it the duty of the Committee on Finance to make a quarterly examination of the accounts of the Grand Treasurer, Grand Secretary and Trustees of the Masonic Hall and Asylum Fund, comparing the vouchers with the items thereof, and to make report to the Grand Master and to the Grand Lodge at each Annual Communication. In doing this, it has the power to employ an accountant and, with the consent of the Grand Master, to draw upon the Grand Treasurer for the accountant's compensation.¹⁴ With its report, it shall also submit a statement of the Trustees of the Masonic Hall and Asylum Fund showing their approximate income and expenditures for the succeeding year.¹⁵

The Rules of Order further provide¹⁶ that, under the direction of the Grand Master, it shall formulate and direct the principles, methods and procedure to be followed in the handling of Grand Lodge accounts.

It shall prepare, or have prepared, annually, the financial statements of Grand Lodge and may, in its discretion, employ independent accountants, who shall be responsible to and report to it, to examine the accounts of all departments of Grand Lodge.

It shall examine into and report upon all matters affecting finances of Grand Lodge and all subjects involving an appropriation of funds shall be referred to it and without its approval no such appropriation shall be made unless by the vote of Grand Lodge.

11. R. O., xi, subs. 10.

The first members were appointed to serve for the following terms: One to serve one year, two to serve two years and two to serve three years. R. O., xi, subs. 10.

12. R. O., xi, subs. 18.

13. R. O., xi, subs. 17b.

14. Consts., §119.

15. R. O., xi, subs. 6.

16. R. O., xi, subs. 6.

It shall submit at each Annual Communication of Grand Lodge a budget for the succeeding year, to which shall be added such other appropriations as the Grand Lodge may make at such Communication and a sum equal to any withdrawals from the Reserve Fund during the previous year.

The Committee may, however, approve disbursements by any officer or committee in excess of the provision made therefor in the budget.

[§338] 10. **Foreign Correspondence.** The Committee on Foreign Correspondence has the general duty of considering and maintaining the relations of Grand Lodge with other Masonic Jurisdictions and making recommendations with respect thereto to Grand Lodge and to the Grand Master.¹⁷ It publishes, annually, as an appendix to the Proceedings of Grand Lodge, an illuminating review of the published transactions of the Grand Lodges in fellowship with Grand Lodge.

[§339] 11. **Grand Lodge Awards for Distinguished Achievement.** The duties of the Committee on Grand Lodge Awards for Distinguished Achievement are to investigate and recommend to the Grand Master the award of the Grand Lodge Medal for Distinguished Achievement to such members of the Fraternity as shall have achieved distinction in some field of endeavor beneficial to humanity.¹⁸

[§340] 12. **Law Enforcement.** The Committee on Law Enforcement consists of seven members who are appointed for a term of three years each. Should any vacancy occur, the Grand Master shall fill the same for the balance of the unexpired term.¹⁹ Before a charter shall be issued to a new Lodge, this committee shall certify that it has inspected the books, accounts and records of the Lodge under dispensation and has found them to be in due form.²⁰ Its duties, in addition, are to take such steps as may be necessary to prevent the violation of the laws pertaining to the Fraternity and the improper use of its name, but excluding therefrom the functions of the Proctor prescribed in the Code of Procedure.²¹

[§341] 13. **Lodge Records and Finance.** The Committee on Lodge Records and Finance is charged with the responsibility of advising Lodges regarding budgets, methods of audit, keeping of minutes, building and other financial ventures.²²

[§342] 14. **Masonic Benevolence.** The Committee on Masonic Benevolence shall consist of not more than eighteen members.²³ The duty of this committee shall be to co-operate with the Particular

17. R. O., xi, subs. 3.
18. R. O., xi, subs. 17a.
19. R. O., xi, subs. 14.
20. Consts., §332.

21. R. O., xi, subs. 14.
Duties of Proctor, see *supra*, §305.
22. R. O., xi, subs. 16.
23. R. O., xxi, subs. 19.

Lodges in the administration of such programs of benevolence as have been, or may hereafter be, authorized by Grand Lodge.²⁴

[§343] 15. **Masonic Education and Lodge Service.** The Committee on Masonic Education and Lodge Service shall consist of not more than twelve members and their terms of office respectively shall be subject to the Grand Master's pleasure. The duties of the Committee shall be to develop, organize and make available to the Lodges knowledge and service to the end that the Lodges may make their activities more effective.²⁵

[§344] 16. **Masonic Jurisprudence.** The Committee on Masonic Jurisprudence consists of all Past Grand Masters. To this Committee are referred all domestic correspondence, requiring action, and questions relative to Masonic law and to the usages, privileges and customs of the Fraternity.²⁶

[§345] 17. **Necrology.** It is the duty of the Committee on Necrology to make suitable tribute at the Annual Communication of Grand Lodge concerning the members who departed this life since the preceding communication.²⁷

[§346] 18. **Pay of Members and Representatives.** The duties of the Committee on Pay of Members and Representatives are suggested by the name.²⁸ It is specifically charged to ascertain from the Grand Secretary the names of all such as have been absent at roll-call unexcused and to deduct from their pay severally one day's pay for each absence unexcused.²⁹

[§347] 19. **Public Relations and Publications.** It shall be the duty of the Committee on Public Relations and Publications to direct, guide and supervise the Craft's public relations in their overall aspects, embracing its publications and its press, radio, television and other forms of publicity.³⁰

[§348] 20. **Restorations.** To the Committee on Restorations are referred all petitions from expelled Masons for restoration to the rights and privileges of Masonry.³¹

[§349] 21. **Standing Committee on Hall and Asylum.** The Committee known as Standing Committee on Hall and Asylum consists of the Past Grand Masters who have attended a Communication of Grand Lodge within three years and, in addition thereto, a sufficient number of Master Masons to bring the membership of the said Com-

24. *Ex. inf.*, R. W. Ward B. Arbury, S. G. W., June 16, 1951.

25. R. O., xi, subs. 13.

26. R. O., xi, subs. 2.

27. R. O., xi, subs. 12.

28. R. O., xi, subs. 7.

29. R. O., xx. Compensation of members, see *supra*, §§50-52.

30. R. O., xi, subs. 20.

31. R. O., xi, subs. 5; Code P., §505. Restoration, see *supra*, §§113-125.

mittee up to nine, the said Master Masons to be appointed within thirty days after the close of Grand Lodge and to hold office for one year. This Committee is charged with the duty of meeting quarterly with the Trustees of the Hall and Asylum Fund and at such other times as the Committee may determine, or the Grand Master may request; with inspecting the Home at Utica, the Temple property in the City of New York; with such other duties as may be assigned to it by the Grand Master and to report upon the work of the Trustees of the Masonic Hall and Asylum Fund to Grand Lodge at its Annual Communication. To it shall be referred all reports of the Trustees of the Masonic Hall and Asylum Fund, together with all resolutions and matters concerning the business of that corporation before action thereon shall be had by Grand Lodge.²³

32. R. O., xi, subs. 11.

VI. COMMISSION OF APPEALS [§§350-360]**A. CONSISTS OF WHOM [§350]****B. QUALIFICATIONS [§351]****C. HOW CHOSEN [§§352-353]****1. In General [§352]****2. In Event of Vacancy [§353]****D. WHEN CHOSEN [§354]****E. TERM OF OFFICE [§355]****F. TITLE [§356]****G. SIT WHERE [§357]****H. DUTIES AND POWERS [§§358-360]****1. In General [§358]****2. To Appoint and Give Notice of Sessions [§359]****3. To Report Action on Appeals to Grand Lodge [§360]**

VI. COMMISSION OF APPEALS.

[[§350] A. Consists of Whom. The Commission of Appeals consists of a Chief Commissioner and six Commissioners.¹

[[§351] B. Qualifications. Each Commissioner of Appeals must be a Master or Past Master in good Masonic standing.²

[[§352] C. How Chosen—1. In General. The Commissioners of Appeals are nominated by the Grand Master and confirmed by Grand Lodge.³

[[§353] 2. In Event of Vacancy. A vacancy in the Commission of Appeals, occurring when Grand Lodge is not in session, may be filled by appointment of the Grand Master until the succeeding Annual Communication of Grand Lodge.⁴

[[§354] D. When Chosen. Two Commissioners of Appeals shall be nominated for confirmation at each Annual Communication of Grand Lodge and every third year, in like manner, the Chief Commissioner shall be selected.⁵

[[§355] E. Term of Office. Commissioners of Appeals hold office for three years.⁶

[[§356] F. Title. The title of Commissioners of Appeals is Right Worshipful.⁷

[[§357] G. Sit Where. All appeals to Grand Lodge shall be heard by the Commission of Appeals at Masonic Hall in the City of New York.⁸

[[§358] H. Duties and Powers—1. In General. The Commissioners of Appeals shall consider appeals in accordance with the Regulations of Grand Lodge and the Code of Procedure.⁹

[[§359] 2. To Appoint and Give Notice of Sessions. The Commission of Appeals shall appoint at least four sessions during each Masonic year when they will sit to pass upon appeals, notice of which appointments shall be filed with the Grand Secretary.¹⁰

[[§360] 3. To Report Action on Appeals to Grand Lodge. The Commission of Appeals shall report to each Annual Communication of Grand Lodge, for its approval, modification or disapproval, in respect of all appeals determined by it during the preceding Masonic year and the decision of Grand Lodge upon such report shall be conclusive upon all parties.¹¹ This report is the special order of business at ten o'clock in the forenoon of the second day.¹²

1. Consts., §125.

2. Consts., §125.

Good Masonic standing defined, see *supra*, §8.

3. Consts., §125.

4. Consts., §125.

5. Consts., §125.

6. Consts., §125.

7. Consts., §112.

8. Code P., §402.

9. Consts., §125.

Appeals generally, see *infra*, §§1439-1490.

10. Code P., §402.

11. Code P., §401.

12. R. O., xv.

VII. TRUSTEES OF MASONIC HALL AND ASYLUM FUND [§§361-383]**A. NUMBER** [§361]**B. QUALIFICATIONS** [§362]**C. TERM** [§363]**D. WHEN AND HOW CHOSEN** [§§364-365]

1. Generally [§364]
2. To Fill Vacancy [§365]

E. VACANCIES HOW CAUSED [§366]**F. OFFICERS OF "TRUSTEES"** [§§367-370]

1. Enumerated [§367]
2. Pro Tempore [§368]
3. Treasurer Bonded [§§369-370]
 - a. Rule Stated [§369]
 - b. Form of Bond [§370]

G. DUTIES AND POWERS OF "TRUSTEES" [§§371-383]

1. In General [§371]
2. Funds How Deposited and Disbursed [§§372-373]
 - a. In General [§372]
 - b. Permanent Fund and Reserve Fund [§373]
3. Masonic Hall and Home [§§374-379]
 - a. Building and Maintaining [§374]
 - b. Admissions to Home at Utica [§§375-377]
 - (I) Are Not Mandatory [§375]
 - (II) Child with Living Parent or Parents [§376]
 - (III) Wife of Living Brother [§377]
 - c. Surrender of Children [§378]
 - d. Erection of Memorials at Home [§379]
5. Reports [§380]
6. Securities [§381]
7. Special Trusts [§382]
8. Title to Real Estate [§383]

VII. TRUSTEES OF MASONIC HALL AND ASYLUM FUND.

[[§361] A. Number. The "Trustees of the Masonic Hall and Asylum Fund," organized in accordance with Chapter 272 of the Laws of New York, passed April 21, 1864, entitled "An Act to incorporate the Trustees of the Masonic Hall and Asylum Fund," and the several acts amendatory thereof or supplemental thereto, shall consist of seven persons.¹

[[§362] B. Qualifications. A Trustee of the Masonic Hall and Asylum Fund must be a member of a Lodge under the authority and jurisdiction of Grand Lodge and a resident of New York State and no officer of Grand Lodge is eligible.²

[[§363] C. Term. The term of office of each Trustee of "Masonic Hall and Asylum Fund" is three years.³

[[§364] D. When and How Chosen—1. Generally. At each Annual Communication of Grand Lodge a Trustee, or Trustees, shall be nominated and elected to fill such vacancy or vacancies as may occur by expiration of term. The Grand Master shall cause his nominations to be inserted in the usual notification of the Annual Communication of Grand Lodge. In the event of such nominations not being ratified by election at such Annual Communication, the Grand Master shall immediately present to Grand Lodge other nominations.⁴

[[§365] 2. To Fill Vacancy. Should a vacancy occur in the office of Trustee, for any other cause than the expiration of the term of office of said Trustee, such vacancy shall be filled by appointment by the Grand Master, such Trustee to hold office until the next Annual Communication of Grand Lodge, when a Trustee shall be nominated and elected for the unexpired term.⁵

[[§366] E. Vacancies How Caused. If any Trustee of the Masonic Hall and Asylum Fund 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 Grand Lodge, his place as Trustee shall be declared vacant by the Grand Master.⁶ A vacancy may also occur by reason of the suspension of a Trustee by the Grand Master or by the removal of one by Grand Lodge.⁷

1. Consts., §200; Laws 1923, c. 264, §2.

The development of this corporation may be traced in Comp. 248, 555; Laws 1923, c. 264.

2. Consts., §200.

3. Consts., §200.

4. Consts., §200.

5. Consts., §200.

6. Consts., §200.

7. Consts., §201.

[§367] **F. Officers of "Trustees"**—1. Enumerated. The "Trustees of the Masonic Hall and Asylum Fund" shall elect one of its number as President, one as Vice-President, one as Treasurer and one as Secretary.⁸

[§368] **2. Pro Tempore.** In the absence or disability of any designated officer or officers of said "Trustees of the Masonic Hall and Asylum Fund" any other member or members thereof may be appointed by said Trustees to act temporarily in place of and with the power of the absent or disabled officer.⁹

[§369] **3. Treasurer Bonded**—a. Rule Stated. The Treasurer of "Trustees of the Masonic Hall and Asylum Fund" at the commencement of each term of office shall execute and file with the Grand Master an official bond, in an amount and in form and with sureties to be approved by the Grand Master.¹⁰

[§370] **b. Form of Bond.** The bond required of the Treasurer of "Masonic Hall and Asylum Fund" is conditioned that he will pay or deliver to said Trustees, on their demand or as they shall direct, all funds and property which shall come into his hands as such Treasurer, and that upon the expiration of his term of office as such Treasurer he will account for and pay, or deliver, to said Trustees, or to his successor, all funds and property that shall have come into his hands as such Treasurer and remain unexpended.¹¹

[§371] **G. Duties and Powers of "Trustees"**—1. In General. Every power incidental to the principle powers granted and necessary to their exercise must be deemed to exist.¹²

[§372] **2. Funds How Deposited and Disbursed**—a. In General. All moneys of Grand Lodge paid to the "Trustees of the Masonic Hall and Asylum Fund" shall be deposited in some depository or depositories approved by the Grand Master, and be drawn out only by check of the Treasurer of said Trustees, countersigned by the President or Vice-President, or during the absence or disability of either, or both, of such officers by the substituted officer or officers *pro tem.*¹³

[§373] **b. Permanent Fund and Reserve Fund.** The persons who shall from time to time comprise the "Trustees of the Masonic Hall and Asylum Fund" are the Trustees of the Permanent Fund and of

8. Consts., §201.

9. Consts., §205.

10. Consts., §207.

11. Consts., §207.

12. Crook J. A., 1911 p. 260, Comp. 555, 558; Laws 1923, c. 264, §3, subs. 4.

13. Consts., §208.

the Reserve Fund. All investments, securities and title papers thereof shall remain in their custody and it is their duty to take the best measures for the security and increase thereof and to invest the same from time to time as they may decide.¹⁴

[§374] 3. Masonic Hall and Home—a. Building and Maintaining. "Trustees of the Masonic Hall and Asylum Fund" in its corporate capacity is empowered to build and maintain a Masonic Hall in the City of New York, and out of the funds derived from the rent or income thereof, or other sources, to build and maintain an Asylum or Asylums, a home or homes, a school or schools, for the free education of the children of Masons, and for the relief, support and care of worthy and indigent Masons, their wives, widows and orphans.¹⁵

[§375] b. Admissions to Home at Utica—(I) Are Not Mandatory. Admissions to the Home at Utica are not mandatory but entirely within the discretion of the Trustees, whose judgment in each case must depend upon the circumstances of the particular case.¹⁶

[§376] (II) Child with Living Parent or Parents. The Trustees have power to admit to the Home the child of a Mason in good standing, whether one or both parents are living, and to maintain such child during the educational period.¹⁷

[§377] (III) Wife of Living Brother. The "Trustees" may admit to the Home at Utica the wife of a Mason, if the brother be worthy and indigent, but are without power to admit a woman who was the widow of a former brother and, since his death, married another brother, who is not indigent at the time of the application.¹⁸

[§378] c. Surrender of Children. Where the widow of a deceased brother has permitted their child to remain for a long period of time in the Home, has acquiesced in its stay and the child has received the benefits of the Home, it is the duty of the Trustees, when the mother or other relative makes demand for the return of the child, carefully to scrutinize and investigate the surroundings in which

14. Consts., §203.

Permanent Fund defined, see *supra*, §18.

Appropriations from Permanent Fund, see *supra*, §128.

Reserve Fund defined, see *supra*, §20.

Withdrawals from Reserve Fund by Grand Master, see *supra*, §240.

15. Consts., §202; Laws 1923, c. 264, §4.

16. Crook J. A., 1911 p. 260, Comp. 555, 558.

17. Crook J. A., 1911 p. 260, Comp. 555, 558, advising that judgment in each case must depend upon the circumstances of the parents, or, if either be dead, upon the ability of the surviving parent to care for the child.

18. In the Matter of Mystic Tie Lodge No. 272, 1913 p. 221, Comp. 583, 591-592.

Rights of wives and widows, see *infra*, §1491 *et seq.*

it is contemplated to place such child. If in their judgment there is danger that whatever good has been accomplished may be thereby nullified or the health or morals of such child impaired, the Trustees should refuse to surrender the child to the parent or to any other kin until the court of last resort has directed the return of such child.¹⁹

[§379] d. **Erection of Memorials at Home.** A circular soliciting funds for the erection of a memorial at Utica should be submitted to the Trustees of the Masonic Hall and Asylum Fund before approval by the Grand Master to afford an opportunity for approval or dissent relative to its erection and, if allowed, the designation of its location, which is within their control.²⁰

[§380] 5. **Reports.** The "Trustees of the Masonic Hall and Asylum Fund" shall make a full and detailed report of all its doings at each Annual Communication of Grand Lodge and, whenever Grand Lodge is not in session, shall, upon the request of the Grand Master, render to him a full and detailed report in writing of and concerning any and all of their acts and transactions; and the books, papers and records of said Trustees shall at all times be open to examination by Grand Lodge, the Grand Master or any Committee of Members of Grand Lodge which he or it may appoint.²¹

[§381] 6. **Securities.** Except as to securities which are part of the Permanent Fund, the "Trustees of the Masonic Hall and Asylum Fund" is authorized and empowered to call in, collect and satisfy, sell, assign, hypothecate, pledge, redeem re-hypothecate and re-pledge any mortgage or mortgages or other securities in its name or custody and to apply the proceeds of any sale thereof or loan or loans obtained and secured therewith to the improvement or maintenance, or both, of any real estate of the Fraternity, and to execute any and all necessary instruments, documents and papers by such officer or officers

19. Crook J. A., 1910 p. 437, Comp. 421, who said that in such a case, the "Trustees" should not be guided much by the pecuniary conditions of the parent, for if the surviving parent be worthy but of humble means, the right of the parent should be recognized; but if the mother or other person otherwise entitled to the custody of the child be immoral, insane, criminal, intemperate or of such character that the safety of the child will not be ensured under such tutelage, then even when wealth and position accompany a parent's demand for the custody of

the child the "Trustees" should refuse to place their ward in his or her charge. The "Trustees" may not only consider the health, habits, customs, vocation and general character and reputation of the person claiming the child, but also the mode of life of such person and the surroundings in which the child will be placed.

20. Matter of Andrews, 1911 p. 237, Comp. 521, 523.

Approval by Grand Master, see *supra*, §157.

21. Consts., §201; Laws 1923, c. 264, §5.

or members of said "Trustees of the Masonic Hall and Asylum Fund" as it shall designate.²²

[[§382] 7. Special Trusts. All funds heretofore or hereafter accepted by the Grand Lodge for special purposes or special trusts shall be paid over to the "Trustees of the Masonic Hall and Asylum Fund" unless the Grand Lodge shall otherwise direct. No appropriation from any of such special or trust funds shall be made by the Trustees other than for the purpose for which such Special or Trust Fund was created, or if the purpose is not defined, without a vote of the Grand Lodge at an Annual Communication. Separate accounts shall be kept by the Trustees of the various funds in their custody and control.²³

[[§383] 8. Title to Real Estate. The "Trustees of the Masonic Hall and Asylum Fund" in its corporate capacity is vested with the title to the real estate of the Fraternity in this jurisdiction and is empowered to borrow money for the improvement and development thereof and to issue bonds or other evidences of indebtedness and properly to secure the same on such real estate or otherwise.²⁴

22. Consts., §205; Laws 1923, c. 264, §3.

23. Consts., §206.

24. Consts., §202; Laws 1923, c. 264, §3, subs. 1.

VIII. GRAND REPRESENTATIVES [§§384-389]

- A. APPOINTMENT AND ACCREDITING AUTHORIZED [§384]**
- B. MAY REPRESENT BUT ONE OTHER GRAND LODGE AT ONE TIME [§385]**
- C. TERM [§386]**
- D. DUTIES [§387]**

VIII. GRAND REPRESENTATIVES.

[[§384] A. Appointment and Accrediting Authorized. The appointment of Representatives of Grand Lodge near other Grand Lodges and the reception and accrediting of Representatives of other Grand Lodges near Grand Lodge is authorized by the Constitutions.¹

[[§385] B. May Represent but One Other Grand Lodge at One Time. No brother can be received and accredited as the Representative of more than one Grand Lodge at the same time.²

[[§386] C. Term. All accredits for Grand Representatives from other Grand Lodges shall be for not exceeding three years.³

[[§387] D. Duties. Representatives of Grand Lodge have been fraternally and respectfully requested to detail, in their annual reports or communications to this Grand Lodge, in such form as they may deem proper, all such matters and particulars in the movements of the jurisdiction, or Grand Lodge at which they are accredited, as shall be of interest to this Grand Lodge, or to the Fraternity in general.⁴

1. Consta., §113, subs. 12.

2. Consta., §113, subs. 12.

3. 1911 p. 419, Comp. 276 (3).

4. 1857 pp. 107-114, Comp. 32, 37 (18).

**IX. MASONIC FOUNDATION FOR MEDICAL RE-
SEARCH AND HUMAN WELFARE [§§388-403]****A. ORGANIZATION AND PURPOSE [§388]****B. NUMBER OF MEMBERS [§389]****C. QUALIFICATION FOR MEMBERSHIP [§390]****D. WHEN AND HOW MEMBERS CHOSEN [§§391-394]**

1. In General [§391]

2. In Event Nomination Not Ratified [§392]

3. In Event of Vacancy [§§393-394]

a. In General [§393]

b. Caused by Removal by Grand Lodge [§394]

E. TERM OF MEMBERSHIP [§§395-396]

1. In General [§395]

2. To Fill Vacancy [§396]

**F. VACANCIES IN MEMBERSHIP HOW CAUSED
[§§397-401]**

1. Removal by Grand Lodge [§397]

2. Severance of Lodge Membership [§398]

3. Suspension by Grand Master [§§399-401]

a. When Grand Lodge Not in Session [§399]

b. Must Be for Cause and after Opportunity to Be Heard
[§400]

c. Must Be Acted upon by Grand Lodge [§401]

G. DUTIES OF MEMBERS [§402]**H. MEMBER NOT ELIGIBLE FOR GRAND OFFICE [§403]**

IX. MASONIC FOUNDATION FOR MEDICAL RESEARCH AND HUMAN WELFARE.

[[§388] A. Organization and Purpose. Masonic Foundation for Medical Research and Human Welfare, herein called the "Foundation," is a corporation organized pursuant to Article II of the Membership Corporations Law of the State of New York¹ to carry into effect Freemasonry's charitable purposes.²

[[§389] B. Number of Members. The Foundation shall consist of nine members.³

[[§390] C. Qualifications for Membership. Members of the Foundation must be members of Lodges under the authority and jurisdiction of the Grand Lodge of Free and Accepted Masons of the State of New York not, while holding such elective office, elective officers of Grand Lodge.⁴

[[§391] D. When and How Members Chosen—1. In General. Ordinarily, members of the Foundation are elected at the Annual Communication of Grand Lodge following nominations by the Grand Master to be inserted in the usual notification of such Annual Communication.⁵

[[§392] 2. In Event Nomination Not Ratified. In the event of the Grand Master's nomination for member of the Foundation not being ratified by election at the Annual Communication of Grand Lodge, he shall immediately present another nomination.⁶

[[§393] 3. In Event of Vacancy—a. In General Should a vacancy occur in the membership of the Foundation for any cause other than the expiration of the term of office of a member, such vacancy shall be filled by appointment by the Grand Master until the next Annual Communication of Grand Lodge, when a member shall be nominated and elected for the unexpired term.⁷

[[§394] b. Caused by Removal by Grand Lodge. Grand Lodge, upon removing a member of the Foundation at any Annual Communication,⁸ shall fill the vacancy thus created by election for the unexpired term.⁹

[[§395] E. Term of Membership—1. In General. Except for the

1. Consts., §250.

2. 1947 p. 208.

3. Consts., §250.

4. Consts., §250.

Effect of ceasing to be Lodge member, see *infra*, §398.

5. Consts., §250.

6. Consts., §250.

7. Consts., §250.

8. Removal by Grand Lodge, see *infra*, §397.

9. Consts., §251.

first members,¹⁰ the normal term of membership in the Foundation is for a period of three years from the date of election.¹¹

[§396] 2. To Fill Vacancy. A member appointed by the Grand Master to fill a vacancy caused by any reason other than the expiration of the term of office shall hold office until the next Annual Communication of Grand Lodge, when a member shall be nominated and elected for the unexpired term.¹²

[§397] F. Vacancies in Membership, How Caused—1. Removal by Grand Lodge. Grand Lodge, at any Annual Communication and for such cause as it shall consider sufficient, may remove from office any member of the Foundation.¹³

[§398] 2. Severance of Lodge Membership. If any member of the Foundation shall cease to be a member of a Lodge under the jurisdiction of Grand Lodge, his place as member of the Foundation shall be declared vacant by the Grand Master.¹⁴

[§399] 3. Suspension by Grand Master—a. When Grand Lodge Not in Session. Whenever Grand Lodge is not in session, the Grand Master, by a written order, may suspend from office any member of the Foundation.¹⁵

[§400] b. Must Be for Cause and after Opportunity to Be Heard. No suspension shall be made by the Grand Master except for cause, nor until after the member affected shall have been given an opportunity to be heard with regard thereto.¹⁶

[§401] c. Must be Acted upon by Grand Lodge. Suspension of a member of the Foundation by the Grand Master shall continue in force until acted upon by Grand Lodge at its next succeeding Annual Communication.¹⁷

[§402] G. Duties of Members. Whenever Grand Lodge is not in session, the members of the Foundation shall, upon request of the Grand Master, render to him a full and detailed report in writing of and concerning any and all of their acts and transactions, and their books, papers and records shall at all times be open to examination by Grand Lodge, the Grand Master or any committee or members of Grand Lodge which he or it may appoint.¹⁸

[§403] H. Member Not Eligible for Grand Office. No member of the Foundation for Medical Research and Human Welfare shall be eligible to any elective office in Grand Lodge.¹⁹

10. At the first election, they were divided into groups of three for terms of one, two and three years respectively. Consts., §250.

11. Consts., §250.

12. Consts., §250.

13. Consts., §251.

14. Consts., §250.

15. Consts., §251.

16. Consts., §251.

17. Consts., §251.

18. Consts., §251.

19. Consts., §250.

X. MASONIC WAR VETERANS OF THE STATE OF NEW YORK, INC. [§§404-416]**A. ORGANIZATION AND PURPOSE [§404]****B. BOARD OF DIRECTORS [§§405-416]**

1. Constitutes Governing Body [§405]
2. Qualifications for Director [§406]
3. When and How Directors Chosen [§§407-409]
 - a. In General [§407]
 - b. In Event Nomination Not Ratified [§408]
 - c. In Event of Vacancy [§409]
4. Term of Office of Director [§§410-411]
 - a. In General [§410]
 - b. To Fill Vacancy [§411]
5. Vacancy in Directorship How Caused [§§412-414]
 - a. Severance of Lodge Membership [§412]
 - b. Suspension by Grand Master [§§413-414]
 - (I) When Grand Lodge Not in Session [§413]
 - (II) Must Be for Cause and after Opportunity to Be Heard [§414]
6. Powers of Board of Directors [§415]
7. Duties of Directors [§416]

X. MASONIC WAR VETERANS OF THE STATE OF NEW YORK, INC.

[§404] A. Organization and Purpose. Masonic War Veterans of the State of New York, Inc., is a corporation organized under the auspices of Grand Lodge on 14 December 1948 pursuant to the Membership Corporations Law of the State of New York.¹

[§405] B. Board of Directors—1. Constitutes Governing Body. The governing body of Masonic War Veterans of the State of New York, Inc., shall consist of nine Directors,² styled Board of Directors.³

[§406] 2. Qualifications for Director. Directors of Masonic War Veterans must be members of Lodges under the authority and jurisdiction of the Grand Lodge of Free and Accepted Masons of the State of New York⁴ and of the four elected annually by subordinate Posts or their representatives no more than one can be elected from any single Post.⁵

[§407] 3. When and How Directors Chosen—a. In General. Ordinarily five Directors of Masonic War Veterans are elected at the Annual Communication of Grand Lodge following nominations by the Grand Master to be inserted in the usual notification of such Annual Communication. The remaining four are elected during the month of May by the subordinate Posts or their representatives.⁶

[§408] b. In Event Nomination Not Ratified. In the event of the Grand Master's nomination for Director of Masonic War Veterans not being ratified by election at the Annual Communication of Grand Lodge, he shall immediately present another nomination.⁷

[§409] c. In Event of Vacancy. In the event that the Grand Master shall have suspended any Director of Masonic War Veterans from office, he may appoint a duly qualified person to perform his duties.⁸ Otherwise, should a vacancy occur for any cause other than the expiration of the term of office, such vacancy may be filled by a majority vote of the Directors remaining in office and the written approval of the Grand Master.⁹

[§410] 4. Term of Office of Director—a. In General. The normal term of office of a Director of Masonic War Veterans is one year.¹⁰

[§411] b. To Fill Vacancy. A Director of Masonic War Veterans chosen to fill a vacancy caused by any reason other than the expira-

1. Consts., §275.
2. Consts., §275.
3. Consts., §278.
4. Consts., §275.
5. Consts., §278.

6. Consts., §278.
7. Consts., §278.
8. Consts., §279.
9. Consts., §278.
10. Consts., §278.

tion of the term of office shall hold office for the unexpired portion of the Director whom he succeeds.¹¹

[\$412] 5. Vacancy in Directorship How Caused—a. **Severance of Lodge Membership.** If any Director of Masonic War Veterans shall cease to be a member of a Lodge under the jurisdiction of Grand Lodge, his place as a Director shall be declared vacant by the Grand Master.¹²

[\$413] b. Suspension by Grand Master—(I) **When Grand Lodge Not in Session.** Whenever Grand Lodge is not in session, the Grand Master, by a written order, may suspend from office any Director of Masonic War Veterans.¹³

[\$414] (II) Must Be for Cause and after Opportunity to Be Heard. No suspension shall be made by the Grand Master except for cause, nor until the Director affected shall have been given an opportunity to be heard in regard thereto.¹⁴

[\$415] 6. Powers of Board of Directors. The Directors of Masonic War Veterans are empowered to charter subordinate Posts upon such terms as it may from time to time establish, the same to consist exclusively of persons who are members in good standing of constituent Lodges of Grand Lodge or of Lodges in other Grand Jurisdictions with which Grand Lodge is in Masonic affiliation and who possess certain military qualifications which are set forth in detail in the Book of Constitutions.¹⁵

[\$416] 7. Duties of Directors. Whenever Grand Lodge is not in session, the Directors of Masonic War Veterans shall, upon request of the Grand Master, render to him a full and detailed report in writing of and concerning any and all of their acts and transactions and their books, papers and records shall at all times be open to examination by Grand Lodge, the Grand Master or any committee or members of Grand Lodge which he or it may appoint.¹⁶

11. Consts., §278.

12. Consts., §275.

13. Consts., §279.

14. Consts., §279.

15. Consts., §276.

16. Consts., §279.

XI. PARTICULAR LODGE AND ACQUIRING MEMBERSHIP [§§417-886]

A. LODGE CONSISTS OF WHOM [§417]

B. LODGE HOW FORMED [§§418-446]

1. Lodges Generally [§§418-444]

- a. Preliminary Meetings [§418]
- b. Petition for Dispensation [§419]
- c. Number of Petitioners [§420]
- d. Who May Petition [§421]
- e. Recommendation of Other Lodges [§§422-427]
 - (I) Necessity For [§§422-426]
 - (A) *In General* [§422]
 - (B) *In Cities* [§§423-425]
 - (1) *General Rule* [§423]
 - (2) *Consisting of More than One Masonic District* [§424]
 - (3) *Borough of Queens, City of New York* [§425]
 - (C) *Discretion Where Single Lodge Refuses* [§426]
 - (II) Form of Recommendation [§427]
- f. Certificate of Proficiency of Master and Wardens [§§428-432]
 - (I) Necessity For [§§428-429]
 - (A) *Generally* [§428]
 - (B) *When Officer Named in Dispensation Under Disability* [§429]
 - (II) Must Be by Vote of Lodge [§430]
 - (III) Manner of Demonstrating [§431]
 - (IV) Form of Certificate of Proficiency [§432]
- g. Evidence of Standing of Petitioners [§§433-434]
 - (I) When Affiliated [§433]
 - (II) When Non-Affiliated [§434]
- h. Issuance of Dispensation Not Mandatory [§435]
- i. Time of Year When Dispensation May Issue [§436]
- j. When Dispensation Expires [§437]

k. Prerequisites to Granting of Charter [§§438-443]

- (I) Freedom from Debt [§438]
 - (II) Possession of Meeting-Place [§439]
 - (III) Proof of Skill in Work [§440]
 - (IV) Certificate of Committee on Law Enforcement [§441]
 - (V) Recommendation of Nearest Lodge [§442]
 - (VI) Submitting Attested Transcript of All Proceedings and By-Laws [§443]
- 1. Fees for Dispensation and Charter [§444]
 - 2. Lodges for Study and Research [§445]
 - 3. Military Lodges [§446]

C. TERRITORIAL JURISDICTION [§§447-464]

1. Of Lodges Generally [§§447-462]

a. Defined [§§447-458]

- (I) In General [§§447-448]
 - (A) *Air-Line Rule* [§447]
 - (B) *Where More than One Lodge in City or Town* [§448]
- (II) Erie County [§449]
- (III) Monroe County [§450]
- (IV) Monticello Lodge No. 532 and Fallsburg Lodge No. 1122 [§451]
- (V) New York City [§§452-453]
 - (A) *The Bronx, Brooklyn, Manhattan and Queens Boroughs* [§452]
 - (B) *Richmond Borough* [§453]
- (VI) Pocahontas Lodge No. 211 and Salem Town Lodge No. 176 [§454]
- (VII) Rochester and Fame Lodge No. 945 and Wakan Lodge No. 1054 [§455]
- (VIII) Solvay Village, Onondaga County [§456]
- (IX) Troy [§457]
- (X) Utica and Amicable Lodge No. 664 [§458]

- b. Effect of Change in Municipal Limits [§459]
 - c. Effect of Changing Meeting-Place [§460]
 - d. Effect of Having Alternate Places of Meeting [§461]
 - e. Effect of Suspension of Charter [§462]
 - 2. Of Lodges for Study and Research [§463]
 - 3. Of Lodges Under Dispensation [§464]
- D. PERSONAL OR MATERIAL JURISDICTION [§§465-484]**
- 1. Over Petitioner for Initiation or Affiliation [§§465-477]
 - a. Residence [§§465-471]
 - (I) When Petition for Initiation [§§465-470]
 - (A) *Residence Within State* [§§465-469]
 - (1) *When Prerequisite* [§465]
 - (2) *When Not Prerequisite* [§§466-469]
 - (a) *If Foreign Lodge Consents* [§466]
 - (b) *If No Other Grand Lodge Has Jurisdiction* [§467]
 - (c) *If Petitioner in Army or Navy or Engaged in Maritime Occupation* [§468]
 - (d) *If Petitioner Moves after Petition Presented* [§469]
 - (B) *Residence Within Territorial Jurisdiction of Lodge* [§470]
 - (II) When Petition for Affiliation [§471]
 - b. Where Foreign Lodge Refuses Consent After Residence Acquired Here [§472]
 - c. Where Petitioner Already Accepted in Another Lodge [§473]
 - d. Where Petitioner Rejected [§§474-476]
 - (I) On Petition for Initiation [§§474-475]
 - (A) *General Rule* [§474]
 - (B) *If Rejection Unlawful* [§475]
 - (II) On Petition for Affiliation [§476]
 - e. Where Waiver of Jurisdiction Granted [§477]
 - 2. Over Petitioner for Advancement [§§478-483]
 - a. When Initiated and/or Passed in Lodge Which Has Ceased to Exist [§§478-479]

- (I) Rule Stated [§478]
- (II) Lodge Under Dispensation Which Was Not Chartered [§479]
- b. When Initiated in Foreign Jurisdiction [§480]
- c. When Advanced for Another Lodge [§481]
- d. Whose Progress in Another Lodge Has Been Arrested [§482]
- e. Who Was Unlawfully Initiated [§483]
- 3. Over Member [§484]

E. MEMBERSHIP HOW ACQUIRED [§§485-584]

- 1. Methods Enumerated [§§485-491]
 - a. In Book of Constitutions Not Exclusive [§485]
 - b. By Initiation and Advancement [§§486-489]
 - (I) In One Lodge [§486]
 - (II) In Two Lodges [§§487-489]
 - (A) *When Accepting Lodge Still Exists* [§§487-488]
 - (1) *And Requests or Consents to Advancement* [§487]
 - (2) *And Has Arrested Advancement* [§488]
 - (B) *When Accepting Lodge Has Ceased to Exist* [§489]
 - c. By Affiliation [§490]
 - d. By Being Named in Charter of New Lodge [§491]
- 2. Notice of Intention to Propose [§492]
- 3. Petition [§§493-529]
 - a. Required [§493]
 - b. Who May Petition [§§494-508]
 - (I) For Initiation and Advancement [§§494-504]
 - (A) *In General* [§§494-500]
 - (1) *Requisite Qualifications* [§§494-500]
 - (a) *Must Be a Man* [§494]
 - (b) *Must Be Free Born* [§495]
 - (c) *Must Be of Lawful Age* [§496]
 - (d) *Must Be of Good Report* [§497]
 - (e) *Physical Requirement* [§§498-499]

- (aa) *Rule Stated* [§498]
- (bb) *Where Defect Arises After Election* [§499]
- (f) *Religious Belief* [§500]
- (B) *Alien* [§501]
- (C) *Non-Resident* [§502]
- (D) *Rejected Candidate* [§§503-504]
 - (1) *When Rejected on Original Ballot* [§503]
 - (2) *When Rejected on Ballot for Advancement* [§504]
- (II) *For Affiliation* [§§505-508]
 - (A) *Rule Stated* [§§505-506]
 - (1) *Generally* [§505]
 - (2) *When Previously Rejected* [§506]
 - (B) *Required Qualifications* [§§507-508]
 - (1) *Must Have No Charges Pending Against Him* [§507]
 - (2) *Must Not Be Indebted for Dues or Assessments* [§508]
- c. *Form of Petition* [§§509-517]
 - (I) *When for Membership and When for Initiation and Advancement* [§509]
 - (II) *Must Be in Petitioner's Handwriting and Signed by Him* [§§510-511]
 - (A) *Rule Stated* [§510]
 - (B) *If Petitioner Blind* [§511]
 - (III) *Questions to be Answered* [§§512-515]
 - (A) *In Petition for Affiliation* [§512]
 - (B) *In Petition for Initiation* [§§513-515]
 - (1) *Prescribed Questions* [§513]
 - (2) *Additional Questions* [§514]
 - (3) *Effect of Answers Demonstrating Disqualification* [§515]
 - (IV) *Certification Signed by Member of Lodge* [§§516-517]
 - (A) *Required* [§516]
 - (B) *Duration of Acquaintance* [§517]
- d. *Dimit or Certificate of Grand Secretary Showing Status of Non-Affiliate* [§518]
- e. *Recommendation by Member of Another Lodge* [§519]
- f. *Receipt of Petition* [§§520-523]
 - (I) *Must Be in Open Lodge* [§520]

- (II) **Must Be at Stated Communication** [§521]
- (III) **Not Received if Petition Pending in Another Lodge** [§§522-523]
 - (A) *Rule Stated* [§522]
 - (B) *When "Pending" Ceases* [§523]
- g. **Withdrawal or Return of Petition** [§§524-529]
 - (I) **Right To** [§§524-528]
 - (A) *For Initiation* [§§524-527]
 - (1) *General Rule* [§524]
 - (2) *Exceptions to General Rule* [§§525-527]
 - (a) *When Waiver of Jurisdiction is Necessary* [§525]
 - (b) *When Wrongfully Presented* [§§526-527]
 - (aa) *Rule Stated* [§526]
 - (bb) *How Noted in Minutes* [§527]
 - (B) *For Affiliation* [§528]
 - (II) **Withdrawal How Made** [§529]
- 4. **Investigating Committee** [§§530-535]
 - a. **Must Be Appointed** [§530]
 - b. **Interval Between Reference and Report** [§531]
 - c. **When Report Deemed Made** [§532]
 - d. **Nature of Committee's Investigation** [§533]
 - e. **Form of Report** [§534]
 - f. **Effect of Unfavorable Report** [§535]
- 5. **Balloting on Petition** [§§536-559]
 - a. **When Required** [§§536-537]
 - (I) **For Initiation** [§536]
 - (II) **For Affiliation** [§537]
 - b. **Ballot When Taken** [§§538-542]
 - (I) **Generally** [§§538-540]
 - (A) *Immediately Upon Report of Committee* [§538]
 - (B) *Must Be Within Reasonable Time* [§539]
 - (C) *Must Be at Stated Communication Only* [§540]
 - (II) **When Waiver of Jurisdiction Required** [§541]
 - (III) **Where Candidate Previously Rejected** [§542]

- c. **Ballot How Taken** [§§543-545]
 - (I) **Collective Ballot Not Favored but Permitted** [§543]
 - (II) **Balloting Once Commenced Must Be Completed** [§544]
 - (III) **Ballot Must Be Secret** [§545]
 - d. **Who May or Must Vote** [§§546-549]
 - (I) **All Members Present Must** [§§546-547]
 - (A) *Rule Stated* [§546]
 - (B) *Except Tiler Who May* [§547]
 - (II) **Proxies Not Permitted** [§548]
 - (III) **Visiting Brother** [§549]
 - e. **Examination of Ballot by Wardens Before Result Announced** [§550]
 - f. **Destruction of Ballot Before Result Declared** [§§551-552]
 - (I) **Rule Stated** [§551]
 - (II) **Collective Ballot Counted** [§552]
 - g. **Result of Ballot** [§§553-559]
 - (I) **Lodge Minutes Control** [§553]
 - (II) **Single Adverse Ballot Rejects** [§554]
 - (III) **Which Results in Rejection** [§§555-559]
 - (A) *Of Petition for Initiation* [§§555-558]
 - (1) *Unaffected by Motive* [§555]
 - (2) *Cannot Be Reconsidered* [§§556-557]
 - (a) *General Rule* [§556]
 - (b) *When First Ballot Void* [§557]
 - (3) *When May New Petition Be Presented* [§558]
 - (B) *Of Petition for Affiliation* [§559]
6. **Objection and/or Demand for Reballot** [§§560-574]
- a. **Distinguished** [§560]
 - b. **Objection** [§§561-562]
 - (I) **May Be Oral or Written** [§561]
 - (II) **Effect of Objection** [§562]
 - c. **Demand for Reballot** [§§563-564]
 - (I) **When and How Made** [§563]

(II) **May Be Withdrawn Before Ballot** [§564]**d. Reballoting** [§§565-574](I) **When Required** [§§565-568]

- (A) *After Acceptance and Before Initiation* [§565]
- (B) *After Initiation and Before Advancement* [§566]
- (C) *After Acceptance of Affiliate and Before Signing By-Laws* [§567]
- (D) *After Election to Honorary Membership* [§568]

(II) **When Reballot Taken—Stated or Special Communication** [§569](III) **Reballot How Taken** [§570](IV) **Effect of Adverse Ballot** [§§571-574](A) *On Petitioner for Initiation and Advancement* [§§571-573]

- (1) *Before Initiation* [§571]
- (2) *After Initiation* [§§572-573]
 - (a) *Generally* [§572]
 - (b) *After Advancement Arrested for Six Months* [§573]

(B) *On Petitioner for Affiliation* [§574]**7. Signing By-Laws** [§§575-584]**a. Necessary to Consummate Membership** [§575]**b. Time for Signing By-Laws** [§§576-579](I) **By Brother Receiving Degrees** [§576](II) **By Affiliating Brother** [§§577-578]

- (A) *When a Member of a Lodge* [§§577-578]
 - (1) *Who Desires to Withdraw Therefrom* [§577]
 - (2) *Who Desires to Retain Dual Membership* [§578]
- (B) *When a Non-Affiliate* [§579]

c. Manner of Signing By-Laws [§§580-581](I) **Should Be with Full Name** [§580](II) **By Attorney in Fact** [§581]**d. Effect of Not Signing** [§§582-583](I) **By Brother Receiving Degrees** [§582](II) **By Affiliating Brother Who Desires Dual Membership** [§583]**e. Effect of Objection to Signing By-Laws** [§584]

F. DUTIES, POWERS AND PRIVILEGES [§§585-879]**1. Of Chartered Lodge [§§585-873]****a. Generally [§§585-865]**

- (I) Rule Stated [§585]
- (II) Abating, Suspending or Terminating Lodge Membership [§586]
- (III) Advancing Candidates [§§587-594]
 - (A) *Not Compulsory* [§587]
 - (B) *Investigating Committee* [§588]
 - (C) *Interval Between Degrees* [§589]
 - (D) *Proof of Proficiency in Preceding Degree* [§§590-592]
 - (1) *Required* [§590]
 - (2) *Proficiency How Acquired* [§591]
 - (3) *Proficiency How Ascertained* [§592]
 - (E) *Procuring Advancement in Another Lodge* [§§593-594]
 - (1) *How Accomplished* [§593]
 - (2) *Sending By-Laws for Signature* [§594]
- (IV) Appeal [§595]
- (V) Attesting Written Communications [§596]
- (VI) Books to be Kept by Lodge [§§597-604]
 - (A) *Enumerated* [§§597-604]
 - (1) *Book of By-Laws* [§597]
 - (2) *Constitutions of Grand Lodge* [§598]
 - (3) *Financial Records* [§599]
 - (4) *Proceedings of Grand Lodge* [§600]
 - (5) *Record Book* [§601]
 - (6) *Record of Expulsions, Suspensions and Rejections* [§602]
 - (7) *Register* [§603]
 - (8) *Visitors' Book* [§604]
 - (B) *Preservation of Lodge Records* [§605]
- (VII) By-Laws [§§606-614]
 - (A) *Authorized* [§§606-607]
 - (1) *Generally* [§606]
 - (2) *In Foreign Language* [§607]
 - (B) *Requisites* [§608]
 - (C) *Submission to Grand Lodge for Approval* [§609]
 - (D) *Effect* [§§610-611]
 - (1) *Constitute Governing Rules of Lodge* [§610]

- (2) *By-Laws How Construed* [§611]
- (E) *By-Laws How Amended* [§§612-613]
 - (1) *Rule Stated* [§612]
 - (2) *Form of Notice* [§613]
- (F) *By-Laws How Suspended* [§614]
- (VIII) **Certifying to Proficiency of Proposed Officers of New Lodge** [§615]
- (IX) **Challenging Trial Commissioners** [§616]
- (X) **Changing Duties of Constitutional Officer** [§617]
- (XI) **Changing Manner of Electing Candidates** [§§618-620]
 - (A) *In General* [§618]
 - (B) *Notice of Intention to Propose* [§619]
 - (C) *Membership Committee* [§620]
- (XII) **Circulars or Appeals to Other Lodges or their Members** [§621]
- (XIII) **Communications** [§§622-634]
 - (A) *How Frequently Permitted* [§622]
 - (B) *Communications When and Where Held* [§§623-628]
 - (1) *Stated Communications* [§§623-626]
 - (a) *General Rule* [§623]
 - (b) *Permitting Opening at Earlier Hour* [§624]
 - (c) *Permitting Closing Between Certain Dates* [§625]
 - (d) *Legal Holidays* [§626]
 - (2) *Special Communications* [§§627-628]
 - (a) *Rule Stated* [§627]
 - (b) *On Sunday* [§628]
 - (C) *Charter Must Be Present* [§629]
 - (D) *Presence of Master or a Warden* [§630]
 - (E) *Presence of Foreign Flag* [§631]
 - (F) *Business Transactable* [§§632-633]
 - (1) *At Stated Communication* [§632]
 - (2) *At Special Communication* [§633]
 - (G) *Communications Open and Close on Third Degree* [§634]
- (XIV) **Conferring Degrees** [§§635-645]
 - (A) *Should Be in a Regular Lodge-Room* [§635]
 - (B) *Should Be Completed at Single Communication* [§636]
 - (C) *May Be at Special Communication* [§637]
 - (D) *Number of Candidates at One Time* [§§638-639]
 - (1) *Rule Stated* [§638]
 - (2) *Applies to Two Lodges* [§639]

- (E) *Number of Degrees in Given Period of Time* [§640]
 - (F) *Who May Perform Work* [§§641-644]
 - (1) *Rule Stated* [§641]
 - (2) *Limiting Work to Particular Group Illegal* [§642]
 - (3) *Visitors from Other Jurisdictions* [§643]
 - (4) *Lodge in Another Jurisdiction* [§644]
 - (G) *Use of Koran* [§645]
- (XV) **Conferring Title of Honorary Master Not Permitted** [§646]
- (XVI) **Creating Different Classes of Members** [§§647-653]
 - (A) *Associate Members* [§647]
 - (B) *Honorary Members* [§648]
 - (C) *Life and/or Privileged Members* [§§649-652]
 - (1) *Rule Stated* [§649]
 - (2) *Examples* [§650]
 - (3) *When Privilege Vests* [§651]
 - (4) *Amendment or Repeal* [§652]
 - (D) *Resident and Non-Resident Members* [§653]
- (XVII) **Determining Qualifications of Candidates** [§§654-659]
 - (A) *As to Character* [§654]
 - (B) *As to Physical Soundness* [§§655-656]
 - (1) *Rule Stated* [§655]
 - (2) *May Not Require Examination by Physician* [§656]
 - (C) *As to Previous Rejection* [§657]
 - (D) *As to Residence* [§658]
 - (E) *Discussion of Petitioner's Merits Forbidden* [§659]
- (XVIII) **Dimit** [§§660-670]
 - (A) *Matter of Right* [§§660-665]
 - (1) *Rule Stated* [§660]
 - (2) *Exceptions* [§§661-665]
 - (a) *Must Not Be to Entered Apprentice or Fellowcraft* [§661]
 - (b) *Must Not Be to Master or Warden* [§662]
 - (c) *Must Not Be to One Indebted to Lodge* [§663]
 - (d) *Must Not Be to One Against Whom Charges Pending* [§664]
 - (e) *Duplicate Dimit* [§665]
 - (B) *Must Be Requested in Writing* [§666]
 - (C) *Dimit Once Granted May Not Be Reconsidered* [§667]

- (D) *Requisites of Dimit* [§§668-670]
 - (1) *In General* [§668]
 - (2) *Form of Dimit* [§§669-670]
 - (a) *For Brother Withdrawing Completely* [§669]
 - (b) *For Brother Withdrawing from One of Two Lodges* [§670]

(XIX) *Disciplinary* [§671]

(XX) *Dues and Assessments* [§§672-717]

- (A) *Distinguished* [§672]
- (B) *Dues* [§§673-693]
 - (1) *Right to Require and Regulate* [§§673-677]
 - (a) *Rule Stated* [§673]
 - (b) *Limitation as to Grand Lodge Dues* [§674]
 - (c) *Apportioning* [§675]
 - (d) *Changing* [§676]
 - (e) *Discriminating Between Members* [§677]
 - (2) *Remission of Dues* [§§678-681]
 - (a) *Permitted to Lodge* [§§678-679]
 - (aa) *Rule Stated* [§678]
 - (bb) *Grand Lodge Per Capita Not Included* [§679]
 - (b) *Remission by Committee Not Permitted* [§680]
 - (c) *Remission Does Not Constitute Payment* [§681]
 - (3) *Penalty for Non-Payment of Dues* [§§682-692]
 - (a) *May Be Fixed by By-Laws* [§682]
 - (b) *Disfranchisement at Election of Officers* [§683]
 - (c) *Unaffiliation* [§§684-692]
 - (aa) *In General* [§684]
 - (bb) *Right to Unaffiliate Depends on Arrears for Fixed Period* [§685]
 - (cc) *Unaffiliation for Non-Payment of Dues Accruing After Dimit Refused Not Permitted* [§686]
 - (dd) *Unaffiliation of Insane Brother Not Permitted* [§687]
 - (ee) *Unaffiliation of Own Master or Warden Not Permitted* [§688]
 - (ff) *Delinquent Must Be Summoned* [§689]
 - (gg) *Form of Summons to Brother in Arrears* [§690]

- (hh) *Vote of Lodge Necessary to Unaffiliate* [§691]
- (ii) *To Avoid Unaffiliation Must Tender Full Payment* [§692]
- (4) *Dues Card* [§693]
- (C) *Assessments* [§§694-717]
 - (1) *Right to Tax or Assess Recognized* [§694]
 - (2) *Assessment Must Be for Masonic Purpose* [§§695-709]
 - (a) *Rule Stated* [§695]
 - (b) *Examples of Masonic Purposes* [§§696-700]
 - (aa) *For Grand Lodge* [§696]
 - (bb) *Funeral* [§697]
 - (cc) *Lodge Expenses* [§698]
 - (dd) *Payment of Existing Indebtedness* [§699]
 - (ee) *Specific Personal Aid* [§700]
 - (c) *Examples of Non-Masonic Purposes* [§§701-709]
 - (aa) *Acquiring Land or Building* [§701]
 - (bb) *Benevolence Disconnected From Masonry* [§702]
 - (cc) *Erection of Monuments, Churches, Church Windows, Etc.* [§703]
 - (dd) *Furnishing Lodge-Rooms* [§704]
 - (ee) *General Personal Aid* [§705]
 - (ff) *Patriotic Celebrations* [§706]
 - (gg) *Repairs to Building* [§707]
 - (hh) *Rewards* [§708]
 - (ii) *Social Entertainment* [§709]
 - (3) *Assessment Must Be Equal and Reasonable* [§§710-712]
 - (a) *Rule Stated* [§710]
 - (b) *Crediting Prior Contributions* [§711]
 - (c) *Indigent Members* [§712]
 - (4) *Available Funds How Determined* [§713]
 - (5) *Assessment How Levied* [§§714-715]
 - (a) *Must Be at Summoned Stated Communication* [§714]
 - (b) *May Be by Majority Vote* [§715]
 - (6) *Assessment an Entire Indebtedness though Payable in Instalments* [§716]
 - (7) *Payment of Assessment How Enforced* [§717]
- (XXI) *Electing Proxy* [§718]
- (XXII) *Fair Dealing* [§719]

(XXIII) Fee for Affiliation [§720]**(XXIV) Fee for Degrees** [§§721-736]

- (A) *Right to Fix and Regulate* [§§721-723]
 - (1) *Generally* [§721]
 - (2) *Fees Need Not be Same for All Candidates* [§722]
 - (3) *Allocating Use of Fee* [§723]
- (B) *Fee for Initiation* [§§724-733]
 - (1) *Required of Every Candidate* [§724]
 - (2) *Limitations with Respect to Initiation Fee* [§§725-727]
 - (a) *As to Amount* [§725]
 - (b) *Must Be Paid in Advance* [§726]
 - (c) *Right to Declare Fee Forfeited* [§727]
 - (3) *Return of Fee* [§§728-734]
 - (a) *To Petitioner* [§§728-731]
 - (aa) *Who Was Rejected* [§728]
 - (bb) *Whose Petition Returned Because Wrongfully Received* [§729]
 - (cc) *Who Has Removed Prior to Election* [§730]
 - (dd) *Who Fails to Appear for Initiation or to Sign By-Laws* [§731]
 - (b) *To Brother Whose Advancement Stopped* [§§732-733]
 - (aa) *By Ballot* [§732]
 - (bb) *Because of Wrongful Initiation* [§733]
 - (c) *To Petitioner for Affiliation* [§734]
- (C) *Fee for Second or Third Degree* [§§735-736]
 - (1) *Generally Not Permitted* [§735]
 - (2) *Applies Only to Lodge which Received Initiation Fee* [§736]

(XXV) Fixing Number of Committeemen [§737]**(XXVI) Funds** [§§738-755]

- (A) *Consist of What* [§§738-740]
 - (1) *Rule Stated* [§738]
 - (2) *Do Not Include Deposit with Petition* [§739]
 - (3) *Do Not Include Funds Transferred to Established Trust* [§740]
- (B) *Control of Lodge Funds* [§§741-742]
 - (1) *General Statement* [741]
 - (2) *Naming Depository of Funds* [§742]
- (C) *How Lodge Funds Disbursed* [§§743-755]

- (1) *Must Be by Order of Lodge* [§§743-745]
 - (a) *Rule Stated Generally* [§743]
 - (b) *Acting by Designated Agent* [§744]
 - (c) *May Impose Additional Restrictions* [§745]
 - (2) *Benevolence and Charity* [§§746-747]
 - (a) *Masonic* [§746]
 - (b) *Non-Masonic* [§747]
 - (3) *Convivial Entertainment* [§748]
 - (4) *Debt on Temple* [§749]
 - (5) *Distribution Among Members* [§750]
 - (6) *Loans to Members Not Permitted* [§751]
 - (7) *Paying Personal Pledge of Member Not Permitted* [§752]
 - (8) *Reimbursing Fine or Costs of Trial Not Permitted* [§753]
 - (9) *Returning Arrears to Unaffiliate Not Restored Not Permitted* [§754]
 - (10) *Returning Fees* [§755]
- (XXVII) *Funeral Service* [§756]
- (XXVIII) *Gambling, Lotteries or Gift Enterprises* [§757]
- (XXIX) *Giving Certificate to Unaffiliate Who Pays Arrears* [§§758-759]
 - (A) *Rule Stated* [§758]
 - (B) *Form of Certificate* [§759]
- (XXX) *Incorporating or Organizing Under Benevolent Orders Law* [§§760-763]
 - (A) *In General* [§§760-762]
 - (1) *Right Recognized* [§760]
 - (2) *How Accomplished* [§761]
 - (3) *Form of Certificate* [§762]
 - (B) *Reorganisation of Incorporated Lodge* [§763]
- (XXXI) *Insuring Lodge Property* [§764]
- (XXXII) *Interfering with Prerogative of Master* [§765]
- (XXXIII) *Interfering with Right of Brother to Appeal* [§766]
- (XXXIV) *Intoxicating Liquors* [§767]
- (XXXV) *Legislative* [§768]
- (XXXVI) *Libraries* [§769]
- (XXXVII) *Limiting Nominations for Lodge Officers* [§770]
- (XXXVIII) *Limiting Number of Offices Held* [§771]

- (XXXIX) **Limiting Number of Ballots on Petition for Degrees** [§772]
- (XL) **Limiting Time for Candidate to Appear for Initiation** [§773]
- (XLI) **Literary or Scientific Lectures** [§774]
- (XLII) **Meeting-Place** [§§775-787]
- (A) *Necessity For* [§775]
 - (B) *May Be on Ground Floor* [§776]
 - (C) *Ornamentation of Lodge-Room* [§§777-778]
 - (1) *Generally* [§777]
 - (2) *Use of Delta or Triangle* [§778]
 - (D) *Use of Meeting-Place for Non-Masonic Purposes* [§779]
 - (E) *Alternate Meeting-Places* [§780]
 - (F) *Removal of Meeting-Place* [§§781-787]
 - (1) *When Removal Permanent* [§§781-786]
 - (a) *In General* [§781]
 - (b) *Lodge Must Act at Stated Communication* [§782]
 - (c) *All Members of Lodge Must Be Summoned* [§783]
 - (d) *Form of Summons* [§784]
 - (e) *Two-thirds Vote Required for Removal* [§785]
 - (f) *Sanction of Grand Master or Grand Lodge Required for Removal* [§786]
 - (2) *When Removal Temporary* [§787]
- (XLIII) **Minutes of Proceedings** [§§788-798]
- (A) *Must Be Kept* [§788]
 - (B) *Minutes May be Kept in Foreign Language* [§789]
 - (C) *Particular Entries* [§§790-793]
 - (1) *Objection to Initiation or Advancement or Demand for Ballot* [§790]
 - (2) *Report of Investigating Committee* [§791]
 - (3) *Report of Trial Commission* [§792]
 - (4) *Result of Ballot* [§793]
 - (D) *Minutes Must Be Read and Approved before Closing* [§794]
 - (E) *Minutes Cannot be Altered or Expunged* [§§795-796]
 - (1) *Rule Stated* [§795]
 - (2) *Error Corrected by Explanatory Minute* [§796]
 - (F) *Minutes Are Prima Facie Evidence* [§797]
 - (G) *Minutes Not to be Publicized* [§798]

- (XLIV) Notice [§§799-800]
 - (A) *Generally* [§799]
 - (B) *Manner of Mailing* [§800]
- (XLV) Political Activity [§801]
- (XLVI) Precedence [§802]
- (XLVII) Processions [§803]
- (XLVIII) Providing for Additional and Emeriti Officers [§804]
- (XLIX) Publishing Names of Persons Rejected, Suspended or Expelled [§805]
 - (L) Receiving and Acknowledging Grand Master or District Deputy Grand Master [§806]
 - (LI) Receiving Communication from Grand Master [§807]
 - (LII) Recommending Formation of New Lodge [§808]
 - (LIII) Recommending Restoration by Grand Lodge of One Expelled [§§809-811]
 - (A) *In General* [§809]
 - (B) *Recommendation for Restoration Must Be Adopted at Stated and Summoned Communication* [§810]
 - (C) *Majority Vote Sufficient to Recommend Restoration by Grand Lodge* [§811]
 - (LIV) Reconsidering Lodge Action [§812]
 - (LV) Relief and Burial [§§813-815]
 - (A) *Generally* [§813]
 - (B) *Where Brother Died in Jurisdiction of Another Lodge* [§814]
 - (C) *Where Relatives or Property Legally Liable* [§815]
 - (LVI) Requiring Signing of By-Laws [§816]
 - (LVII) Representation in Grand Lodge [§817]
 - (LVIII) Restoring to Membership [§§818-830]
 - (A) *After Expulsion* [§818]
 - (B) *After Suspension* [§819]
 - (C) *After Unaffiliation for Non-Payment of Dues* [§§820-830]
 - (1) *Is Matter of Discretion* [§820]
 - (2) *Lodge Must Act on Application for Restoration* [§821]
 - (3) *Restoration Cannot Be Posthumous* [§822]
 - (4) *Investigating Committee* [§823]

- (5) *Discharge of Arrears Required* [§§824-825]
 - (a) *Rule Stated* [§824]
 - (b) *Charge in Addition to Arrears Not Permitted* [§825]
 - (6) *Vote for Restoration* [§§826-829]
 - (a) *Required and Regulated by Constitutions* [§826]
 - (b) *Vote for Restoration When Taken* [§827]
 - (c) *Manner of Voting When Unaffiliated Less than Five Years* [§828]
 - (d) *Manner of Voting when Unaffiliated Five Years or More* [§829]
 - (7) *Certificate When Restoration Refused* [§830]
- (LIX) *Returns and Payments to Grand Lodge* [§831]
- (LX) *Seal* [§832]
- (LXI) *Showing Cause Why Action Should Not Be Set Aside* [§833]
- (LXII) *Standard Work* [§§834-838]
 - (A) *Rule Stated* [§§834-835]
 - (1) *Generally* [§834]
 - (2) *Of Another Jurisdiction* [§835]
 - (B) *Conferring Non-Masonic Degrees* [§836]
 - (C) *Standard Work How Imparted* [§837]
 - (D) *Books, Documents and Ciphers Prohibited* [§838]
- (LXIII) *Submitting Proceedings to Grand Lodge* [§839]
- (LXIV) *Trespass upon Territorial Jurisdiction* [§840]
- (LXV) *Use of Legislative Manuals* [§841]
- (LXVI) *Voting* [§§842-844]
 - (A) *Whether by Ballot or Show of Hands* [§842]
 - (B) *Number of Votes Required* [§843]
 - (C) *Proxies Not Permitted* [§844]
- (LXVII) *Waiving Jurisdiction* [§§845-853]
 - (A) *Right Recognized* [§845]
 - (B) *How Waiver Secured* [§§846-848]
 - (1) *Rule Stated* [§§846-847]
 - (a) *Generally* [§846]
 - (b) *Blanket Waiver Not Permitted* [§847]
 - (2) *No Time Limit on Renewal of Request for Waiver* [§848]

- (C) *How Waiver Granted* [§§849-853]
 - (1) *Petition for Waiver Received only at Stated Communication* [§849]
 - (2) *Investigating Committee* [§§850-852]
 - (a) *Must Be Appointed* [850]
 - (b) *Interval Between Reference and Report* [§851]
 - (c) *Form of Report* [§852]
 - (3) *Majority Vote by Show of Hands Sufficient to Grant Waiver* [§853]
- (LXVIII) *With Respect to Officers* [§§854-861]
 - (A) *Altering Eligibility Forbidden* [§854]
 - (B) *Election of Officers* [§§855-857]
 - (1) *Must Be Annual* [§855]
 - (2) *Nominating Speeches* [§856]
 - (3) *Regular Election Cannot Be Avoided at Subsequent Communication* [§857]
 - (C) *Imposing Additional Duties or Restrictions* [§858]
 - (D) *Providing for Additional Officers* [§859]
 - (E) *Providing for Election of Lower Officers* [§860]
 - (F) *Requiring Bond* [§861]
- (LXIX) *With Respect to Visitors* [§§862-865]
 - (A) *From This Jurisdiction* [§862]
 - (B) *From Another Jurisdiction* [§863]
 - (C) *Avouchment by Letter Insufficient* [§864]
 - (D) *Avouchment by Volunteer Committee Irregular* [§865]
- b. *Lodges for Study and Research* [§§866-869]
 - (I) *Cannot Confer Degrees* [§866]
 - (II) *May Accept Corresponding Members* [§867]
 - (III) *Not Entitled to Representative or Vote in Grand Lodge* [§868]
 - (IV) *Not Required to Pay Grand Lodge Fees* [§869]
- c. *Lodges Organized Under Benevolent Orders Law* [§§870-874]
 - (I) *In General* [§870]
 - (II) *By-Laws* [§871]
 - (III) *Exemption from Taxation* [§872]
 - (IV) *Funds How Deposited* [§873]

2. Of Lodges Under Dispensation [§§874-879]

- a. Generally [§874]
- b. May Affiliate Members [§875]
- c. Can and Should Adopt By-Laws [§876]
- d. Cannot Elect and Install Officers [§877]
- e. Not Represented in Grand Lodge [§878]
- f. Need Not Have Seal [§879]

G. CONSOLIDATION OF LODGES [§880]**H. ARRESTING OR SUSPENDING CHARTER [§881]****I. DISSOLUTION OF LODGE [§§882-886]****1. How Accomplished [§§882-884]**

- a. Rule Stated [§882]
- b. Forfeiture of Charter [§883]
- c. Surrender of Charter [§884]

2. Effect of Dissolution [§§885-886]

- a. In General [§885]
- b. When Organized Under Benevolent Orders Law [§886]

XI. PARTICULAR LODGE AND ACQUIRING MEMBERSHIP.

[§417] **A. Lodge Consists of Whom.** A Lodge primarily 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 by virtue of, and in accordance with, a charter or dispensation held under the authority of Grand Lodge;¹ but, when a Lodge has been duly opened,² it is those present who constitute the Lodge.³

[§418] **B. Lodge How Formed—1. Lodges Generally—**a. **Preliminary Meetings.** As there is no law forbidding brethren from meeting together for consultation concerning the good of Masonry and to secure harmony of work, no authorization is required for brethren to meet to acquire proficiency in the work as a preliminary step to applying for a dispensation to form a new Lodge with an ultimate view of obtaining a charter.⁴

[§419] **b. Petition for Dispensation.** A petition for a dispensation to form a new Lodge should be substantially as follows:⁵

To the M. W. *Richard A. Rowlands*, 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 represent: That they are desirous of forming a Lodge in the City of *Yonkers*, County of *Westchester*, to be named *Standard* Lodge. They therefore pray for letters of dispensation, to empower them to assemble as a regular Lodge and to discharge the duties of Masonry, in a regular and constitutional manner, according to the original forms of the Fraternity and the regulations of Grand Lodge. They have nominated and do recommend Brother *William Master* to be the first Master; Brother *Samuel Warden* to be the first Senior Warden, and Brother *James Williams* to be the first Junior Warden, of said Lodge. If the prayer of this petition be granted, they promise a strict conformity to the edicts of the Grand Master, and the Constitution, Laws and Regulations of Grand Lodge.

Name.	Lodge, No.	Residence.
-------	------------	------------

1. Consts., §300.
Particular Lodge defined, see *supra*, §17.

2. Communications generally, see *infra*, §§622-634.

Necessity for Presence of Charter, see *infra*, §629.

Necessity for Presence of Master or Warden, see *infra*, §630.

3. Matter of By-law Amendment, 1913 p. 240, Comp. 609, 610. See also *infra*, §843, where the phrase "two-thirds vote of the Lodge" is construed in accordance with the rule stated in the text.

4. Report Comm. J., adopted 1911 p. 419, Comp. 276.

5. Consts., p. 116 (1).

It should be subscribed with the signature of each petitioner in his own proper handwriting and, opposite his name, his place of residence and the name, number and location of the Lodge of which he is a member, or, if presently not affiliated, the name, number and location of the Lodge from which he has been dimitted or to which he last belonged.⁶

[§420] c. Number of Petitioners. The petitioners for a dispensation to form a new Lodge must number not less than seven.⁷

[§421] d. Who May Petition. Each petitioner for a dispensation to form a new Lodge must be a Master Mason,⁸ but it is immaterial in what section of the state he resides⁹ and he may be a non-affiliated Mason.¹⁰ Indeed, prior to the constitutional change permitting dual membership, a member of a Lodge in another Grand Jurisdiction was required to take a dimit from such Lodge before joining in such a petition,¹¹ but, since dual membership is now permitted, a Mason in good standing in a Lodge may be a petitioner.¹² An elective officer of a Lodge or a member of a Lodge under dispensation may not be a petitioner for a dispensation to form a new Lodge.¹³

[§422] e. Recommendation of Other Lodges—(I) Necessity For—(A) In General. With certain exceptions,¹⁴ the petition for a dispensation to form a new Lodge must be accompanied by the recom-

6. Gibson G. M., 1869 p. 47, Comp. 142, referring to a similar form described in the Appendix to the Proceedings of Grand Lodge for 1868.

7. Consts., §326.

This is the number of which a Lodge primarily consists. See *supra*, §417.

8. Consts., §326; Gibson G. M., 1869 p. 47, Comp. 140, 142 (7).

9. Matter of Richmond Hill Lodge, 1911 p. 237, Comp. 520.

10. Non-affiliated Mason defined, see *supra*, §16.

Where Lodge has surrendered its charter, a member in good standing at the time of the surrender may be a petitioner for a dispensation. Gibson G. M., 1869 p. 47, Comp. 140, 142 (4).

Where Lodge charter suspended or forfeited, a member in good standing at the time of such suspension or forfeiture may be a petitioner, but must furnish the most ample evidence that he did not participate in the offenses which caused such suspension or forfeiture, or must have been restored. Gibson G. M., 1869 p. 47, Comp. 140, 142 (5).

11. Paige G. M., 1864 p. 25, Comp. 98, 99 (7), *approved* Comm. J., 1864 p. 164, Comp. 105; Gibson G. M., 1869 p. 47, Comp. 140, 142 (3). See also Comm. J., 1868 p. 47, Comp. 124, deciding that a member of a Lodge in Wisconsin who became a petitioner for a dispensation here, without having paid his arrears to, or taken his dimit from, his former Lodge, never became a member of a Lodge here although acting as Junior Warden.

12. Matter of Proposed "Kenmore" Lodge, 1950 p. 40, *approved* 1950 p. 83.

13. Consts., §327.

Who are elective officers, see *infra*, §887.

14. If the new Lodge be beyond the jurisdiction of a Grand Lodge, the recommendation of the nearest or any other Lodge might be dispensed with. Comm. Cond. M., 1862 p. 206, Comp. 87, 88 (21).

Under an earlier Constitution (Const. 1854, sec. 19, as amended 1861 p. 198), which required the recommendation of "all the lodges whose jurisdiction would be affected . . . except in cities," it was held that a

mendation of all the Lodges whose jurisdiction would be affected by such new Lodge.¹⁶

[§423] (B) In Cities—(1) General Rule. Except where the city consists of more than one Masonic district,¹⁶ a petition to form a new Lodge must be accompanied by the recommendation of at least a majority of the Lodges in such city.¹⁷

[§424] (2) Consisting of More than One Masonic District. Where the new Lodge is to be formed in a city consisting of more than one Masonic District, the recommendation of a majority of the Lodges in the District in which it is sought to locate such new Lodge is sufficient.¹⁸

[§425] (3) Borough of Queens, City of New York. With the exception hereinafter noted,¹⁹ a petition for a dispensation to form a new Lodge in the Borough of Queens, City of New York, must be accompanied by the recommendation of all the Lodges whose jurisdiction would be affected by such new Lodge.²⁰

[§426] (C) Discretion Where Single Lodge Refuses. Notwithstanding the requirement that all Lodges in a given area recommend the granting of a dispensation to form a new Lodge, if but a single Lodge²¹ refuse to give its consent, the Grand Master may, in his judgment, issue a dispensation without such consent.²²

dispensation might issue to form a new Lodge in cities without the recommendation of all the Lodges whose jurisdiction would be affected, such Lodges having concurrent jurisdiction; but that it was not intended to exempt the petitioners from procuring any recommendation whatever. Paige G. M., 1864 p. 24, Comp. 106 (4), approved Comm. J., 1864 p. 195, Comp. 108. See also *infra*, §§423-425.

15. Consts., §326; Gibson G. M., 1869 p. 47, Comp. 140, 142 (6).

Territorial jurisdiction, see *infra*, §§447-464.

16. See *infra*, next section.

17. Consts., §326.

18. Consts., §326.

19. See *infra*, next section.

20. Consts., §326; Matter of New Lodge at Lynbrook, 1915 p. 193, Comp. 696, advising that this included a Lodge beyond the lines of Nassau County whose jurisdiction would be affected because governed by the airline rule as to which see *infra*, §§447, 448. See also Matter of Richmond Hill Lodge, 1911 p. 237, Comp. 520,

to the effect that there was only one Lodge in Jamaica whose jurisdiction could be affected by another Lodge in that town and that in the absence of express objection from some other Lodge it should not be assumed to exist.

When, at the Annual Communication of Grand Lodge in 1951, Consts., §342, was amended by giving the Lodges in the County of Queens concurrent jurisdiction, the section just cited (326) was left unchanged and it would seem that the rule set forth in section 424, *supra*, would now be applicable.

21. This means a single Lodge whose jurisdiction would be affected and if two Lodges of several, whose recommendation had been asked, refused and one of these was so located that its jurisdiction could not be affected by the new Lodge the Grand Master might entertain the petition notwithstanding the refusal of such second Lodge. Matter of Petition for New Lodge at Lynbrook, 1915 p. 193, Comp. 696.

22. Consts., §326.

[§427] (II) Form of Recommendation. The form of recommendation for the granting of a dispensation to form a new Lodge may be in substantially the following form:²³

At a Stated Communication of *Normal* Lodge No. 1500, [duly summoned for the purpose,]²⁴ held at *Yonkers*, in the County of *Westchester*, on the 5th day of *February*, 1935, the following resolution was adopted.

Resolved, That this Lodge recommends the petition of Brothers *William Master*, *Samuel Warden*, *James Williams* and others, praying for a dispensation to establish a new Lodge at *Yonkers*, by the name of *Standard* Lodge, and recommends that the prayer of the petition be granted.

In witness whereof, we have caused our Lodge seal to be hereunto affixed and our Secretary to subscribe his name hereto.

(SEAL)

James Clerk, Secretary.

[§428] f. Certificate of Proficiency of Master and Wardens—(I) Necessity For—(A) Generally. The petition for a dispensation to form a new Lodge must be accompanied by the certificate of a chartered Lodge, whose jurisdiction would be affected 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 chartered 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.²⁵

This means that not only the proposed Master must demonstrate his proficiency, but that both Wardens should do likewise as to their own stations and that of the Master.²⁶ The proficiency of the Senior Deacon in higher places need not be.²⁷

[§429] (B) When Officer Named in Dispensation Under Disability. It was at one time declared by Grand Lodge that disability of a brother designated in a dispensation as a Warden voids such dispensation and the Grand Master has no power to amend the same

23. Consts., p. 116 (2).

24. Summons not required (see *infra*, §808) and if none issued the matter enclosed in [] should be omitted.

25. Consts., §326.

Territorial jurisdiction, see *infra*, §§447-464.

26. Re: Kenmore Lodge, U. D., 1950 p. 41, approved 1950 p. 83.

Under an earlier Constitution (Const. 1854, sec. 19, as amended 1861 p. 198), a certificate was required

of the proposed Lodge's "ability to confer the degrees and give the lectures," Gibson G. M., 1869 p. 47, Comp. 140, 142 (7), construed this to mean that the certificate must show that "the persons named in the petition for Master and Wardens of the proposed Lodge are in possession of the Standard Work and lectures ... and are competent to confer the three degrees ... and impart the lectures, in conformity to the standard."

27. Re: Kenmore Lodge, U. D., 1950 p. 41, approved 1950 p. 83.

by designating a new Warden without a new certificate of eligibility,²⁸ but it has since been declared that he may remove, substitute or fill vacancies in the officers named.²⁹

[§430] (II) Must Be by Vote of Lodge. The certificate of proficiency must be voted by the examining Lodge by a majority on show of hands.³⁰

[§431] (III) Manner of Demonstrating. The manner of demonstrating the proficiency of the proposed officers is not prescribed and rests in the discretion of the certifying Lodge.³¹

[§432] (IV) Form of Certificate of Proficiency. The certificate of the proficiency of the proposed Master and Wardens should be substantially as follows:³²

This is to certify that at a Communication of *Normal Lodge, No. 1500, Brothers William Master, Samuel Warden and James Williams*, the proposed Master and Wardens of *Standard Lodge*, exemplified the work of the three degrees and are competent to confer same and impart the lectures.

In witness whereof, we have caused this certificate to be signed by our Secretary and attested by the seal of the Lodge.

(SEAL)

James Clerk, Secretary.

[§433] g. Evidence of Standing of Petitioners—(I) When Affiliated. The petition for a dispensation to form a new Lodge must be accompanied by good and sufficient certificate that each of the affiliated petitioners for the dispensation has paid all dues to the chartered Lodge of which he is a member, up to the close of the year in which the next Annual Session of Grand Lodge is to be held.³³

[§434] (II) When Non-Affiliated. The petition for a dispensation to form a new Lodge must be accompanied by the certificate of dismission, or its equivalent, of each non-affiliated petitioner.³⁴

[§435] h. Issuance of Dispensation Not Mandatory. The fact that all constitutional requirements for the formation of a new Lodge

28. Matter of Cosmic Lodge U. D., 1917 p. 99, Comp. 795, 796, *approved* Comm. J., 1918 p. 268, Comp. 811, 812 (4).

29. Turner J. A., 1935 p. 64, 66, *approved* 1935 p. 123, Comp. 1112. See also Matter of Bronx Lodge, 1910 p. 558, Comp. 372, 374, upon which there is no indication that Grand Lodge took any action.

30. Re: Kenmore Lodge U. D., 1950 p. 41, *approved* 1950 p. 83.

31. Re: Kenmore Lodge U. D., 1950 p. 41, *approved* 1950 p. 83.

32. Consts., p. 117 (3).

33. Consts., §326.

34. Consts., §326.

Dimits generally, see *infra*, §§660-670.

Lodge certificate to unaffiliate who has paid arrears, see *infra*, §§758-759.

In case of a defunct Lodge, the certificate of the Grand Secretary that a non-affiliated petitioner was in good standing when it became extinct or surrendered its warrant is sufficient. Gibson G. M., 1869 p. 47, Comp. 140, 142 (4).

have been met does not make the granting of a petition for a dispensation mandatory.³⁵ Each application must stand upon its own merits, after all the circumstances shall have been considered, and no dispensation will be issued without the maturest consideration.³⁶

[§436] i. Time of Year When Dispensation May Issue. Except that it cannot be within four months next preceding an Annual Communication of Grand Lodge,³⁷ a dispensation to form a new Lodge may be issued at any time within the first eight months after the Grand Master's election.³⁸

[§437] j. When Dispensation Expires. All dispensations to form new Lodges expire on the fifteenth day of April in each year.³⁹ After its limited duration, its further continuance is dependent entirely upon the issuance of a charter.⁴⁰

[§438] k. Prerequisites to Granting of Charter—(I) Freedom from Debt. Before a charter will be granted to a Lodge under dispensation, it must be shown that, as a Lodge under dispensation, it is clear of all indebtedness.⁴¹

[§439] (II) Possession of Meeting-Place. Before a charter will be granted to a Lodge under dispensation, it must appear that it has secured and prepared a suitable and safe place for meeting as a Lodge.⁴²

[§440] (III) Proof of Skill in Work. No charter shall be issued for the constitution of a new Lodge unless such new Lodge shall have given proof of its skill and ability by work under a 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.⁴³

[§441] (IV) Certificate of Committee on Law Enforcement. No charter shall be issued unless the Committee on Law Enforcement shall certify that it has inspected the books, accounts and records of the Lodge under dispensation and has found them to be in due form.⁴⁴

[§442] (V) Recommendation of Nearest Lodge. The Committee on Charters, to which are referred all applications for charters, cannot act upon any such application unless it is recommended by the nearest Lodge.⁴⁵

35. Sawyer G. M., 1910 p. 420, Comp. 397, 401; Re Manner of Installation, etc., 1941 p. 123, approved 1942 p. 114, 117, Comp. 1180, 1181.

36. King G. M., 1862 p. 28, Comp. 74, 85 (74).

37. Consts., §326.

38. Sawyer G. M., 1910 p. 420, Comp. 397, 401-402.

39. Consts., §329.

40. Re Manner of Installation, etc., 1941 p. 123, approved 1942 p. 114, 117, Comp. 1180, 1181.

41. Consts., §322.

42. Consts., §322.

43. Consts., §322.

44. Consts., §322.

45. R. O. xi, subs. 4.

[§443] (VI) **Submitting Attested Transcript of All Proceedings and By-Laws.** As a necessary prerequisite to the granting of a charter, a Lodge under dispensation must deliver to Grand Lodge an attested transcript of all its proceedings, including a copy of the by-laws thereof.⁴⁶

[§444] **1. Fees for Dispensation and Charter.** The fee for every dispensation to form a new Lodge is one hundred dollars⁴⁷ and, if a charter is subsequently granted, the additional fee of twenty dollars.⁴⁸ These fees may not be remitted by the Grand Master or by Grand Lodge.⁴⁹

[§445] **2. Lodges for Study and Research.** Seven or more Master Masons may unite to form a Lodge for purposes of Masonic study and research and a dispensation and charter may be issued therefor without compliance with the requirements or regard to the limitations of the Constitutions applicable in the case of other Particular Lodges.⁵⁰

[§446] **3. Military Lodges.** In the case of applications for a dispensation for a Military Lodge, the petition must be framed as in other cases and be recommended by some other Lodge in this state.⁵¹

[§447] **C. Territorial Jurisdiction—1. Of Lodges Generally—a. Defined—(I) In General—(A) Air-Line Rule.** With certain exceptions hereinafter noted,⁵² the jurisdiction of a Lodge over candidates for initiation extends over all persons residing nearer to it by an air line than to any other Lodge within the jurisdiction of Grand Lodge.⁵³ Where this rule prevails city,⁵⁴ village,⁵⁵ town,⁵⁶ borough and county⁵⁷ lines are disregarded and the territorial jurisdiction of a Lodge extends to a point equidistant between its meeting-place

46. Consts., §332.

47. Consts., §600, subs. 1.

48. Consts., §600, subs. 2.

49. King G. M., 1862 p. 28, Comp. 74, 81 (49).

50. Consts., §333.

51. King G. M., 1862 p. 28, Comp. 74, 75 (12).

Prescribed fees may be remitted neither by the Grand Master or by Grand Lodge, but the latter may make an appropriation for the benefit of a Military Lodge to an amount equal to the fees for a dispensation. King G. M., 1862 p. 28, Comp. 76 (15), 81 (49).

52. See *infra*, §§448-458.

53. Code P., §342.

54. Matter of Inquiry by Sapphire Lodge, etc., 1915 p. 207, Comp. 716, approved 1916 p. 201, Comp. 788, 790,

(6); Matter of Jurisdiction of Lodges in Rochester, 1916 p. 182, Comp. 777; Richardson G. M., 1927 p. 132, Comp. 892 (4), approved 1927 p. 245, Comp. 897.

55. Matter of Inquiry by Sapphire Lodge, etc., 1915 p. 207, Comp. 716, approved 1916 p. 201, Comp. 788, 790 (6).

56. Lewis G. M., 1859 p. 28, Comp. 56 (5); Matter of Jurisdiction of Lodges in Rochester, 1916 p. 182, Comp. 777; Richardson G. M., 1927 p. 132, Comp. 892 (4), approved 1927 p. 245, Comp. 897.

57. Matter of Petition for ... New Lodge at Lynbrook, 1915 p. 193, Comp. 696, 703, approved 1916 p. 201, Comp. 788, 789 (1).

and the meeting-place of the nearest Lodge.⁵⁸ In other words, if a candidate residing in a city is nearer by air line to a Lodge outside the city limits than he is to one within such limits, the outside Lodge has exclusive jurisdiction over him. On the other hand, a candidate residing outside the city is within the jurisdiction of any Lodge within the city which is nearer to him than any Lodge outside the city.⁵⁹

[§448] (B) Where More than One Lodge in City or Town. Where there is more than one Lodge in a city or village, they have concurrent jurisdiction⁶⁰ within the limits of such city or village only.⁶¹ As to persons outside, the air-line rule prevails and the air-line measurement must start, not from one central point for all Lodges in the city, but from the Lodge which is nearest the residence of the candidate in each particular case.⁶² When any such Lodge has jurisdiction, all the other Lodges in the city have concurrent jurisdiction.⁶³

[§449] (II) Erie County. The jurisdiction of the Lodges in the County of Erie over all candidates residing within said county limits shall be concurrent.⁶⁴

58. Gibson G. M., 1869 p. 41, Comp. 131; Thorne G. M., 1875 p. 30, Comp. 163, 169 (42), approved 1875 p. 231, Comp. 175; Richardson G. M., 1927 p. 132, Comp. 892, approved 1927 p. 245, Comp. 897.

Grand Island. — The jurisdiction of Lodges, excluding those located in Buffalo, over residents of Grand Island is regulated by the air-line rule. Matter of Territorial Jurisdiction, etc., 1940 p. 83, approved 1941 p. 215, Comp. 1166.

59. Matter of Jurisdiction of Lodges in Rochester, 1916 p. 182, Comp. 777.

60. Consts., §342; Lewis G. M., 1859 p. 28, Comp. 56 (6).

61. Matter of Inquiry by Sapphire Lodge, etc., 1915 p. 207, Comp. 717, approved 1916 p. 201, Comp. 788, 790 (6); Matter of Jurisdiction of Lodges in Rochester, 1916 p. 182, Comp. 777, 779.

62. A simple way to determine within the jurisdiction of what Lodge or Lodges a candidate may reside is to imagine a small circle circumscribing the residence of the candidate and an expansion of this circle until some point of its circumference touches the meeting-place of a Masonic Lodge. Such Lodge will, of necessity, be nearer to the candidate by an air line than any other Lodge and therefore the

Lodge which has jurisdiction over the candidate. If this Lodge is not located in a city or village in which there are two or more Lodges, then the jurisdiction of such Lodge is exclusive over the candidate. If, however, such Lodge is within the territorial limits of a city or village in which there are two or more Lodges, then the jurisdiction of such Lodge is not exclusive, but concurrent with the other Lodges in such city or village. Matter of Inquiry by Sapphire Lodge, etc., 1915 p. 207, Comp. 717, approved 1916 p. 201, Comp. 788, 790 (6).

63. Matter of Inquiry by Sapphire Lodge, etc., 1915 p. 207, Comp. 717, approved 1916 p. 201, Comp. 788, 790 (6); Re Apollo Lodge No. 13, 1951 p. 20, approved 1951 p. 26.

64. Consts., §342.

Design.—This paragraph of the section cited was amended to its present form in 1945 (1945 pp. 155, 156) having theretofore read: "The jurisdiction of the Lodges in the City of Buffalo as at present constituted shall be limited to candidates residing in the said city." The amendment was not designed to affect any Lodge outside Erie County, but only to give concurrent jurisdiction within the county. Matter of Phoenix Lodge No. 262, 1949 p. 22, approved 1949 p. 35.

[§450] (III) Monroe County. The jurisdiction of the Lodges in the County of Monroe is concurrent over all candidates residing within said county.⁶⁵

[§451] (IV) Monticello Lodge No. 532 and Fallsburg No. 1122. The jurisdiction of Monticello Lodge No. 532 and Fallsburg Lodge No. 1122 shall be concurrent over all candidates residing within the territory of the present jurisdiction of such two Lodges.⁶⁶

[§452] (V) New York City—(A) The Bronx, Brooklyn, Manhattan and Queens Boroughs. Lodges in the Boroughs of The Bronx, Brooklyn, Manhattan and Queens, City of New York, have concurrent jurisdiction.⁶⁷

[§453] (B) Richmond Borough. Lodges within the Borough of Richmond, City of New York, shall exercise exclusive concurrent jurisdiction over all persons residing in said Borough.⁶⁸

[§454] (VI) Pocahontas Lodge No. 211 and Salem Town Lodge No. 176. The jurisdictional line between Pocahontas Lodge No. 211, in the Village of Seneca Falls, and Salem Town Lodge No. 326, in the Village of Cayuga, shall be the County line between the Counties of Cayuga and Seneca, which is the center line of Cayuga Lake and its outlet, Seneca River.⁶⁹

[§455] (VII) Rochester and Fame Lodge No. 945 and Wakan Lodge No. 1054. The jurisdiction of the Lodges in the City of Rochester and in the present jurisdiction of Fame Lodge No. 945 and Wakan Lodge No. 1054 over all candidates residing within the city limits or in the present jurisdiction of Fame Lodge and Wakan Lodge shall be concurrent.⁷⁰

[§456] (VIII) Solvay Village, Onondaga County. Any Lodge now existing or hereafter created in the territorial limits of the Village of Solvay, in the County of Onondaga, shall have exclusive jurisdiction over all candidates residing within the territorial limits of said village and shall have no jurisdiction whatsoever over any candidate residing outside such village limits as they now exist.⁷¹

65. Consts., §342. This amendment adopted for the first time. 1951 pp. 106, 112.

66. Consts., §342.

67. Consts., §342.

68. Consts., §342.

69. Consts., §342.

70. Consts., §342.

71. Consts., §342.

Formerly, the air-line rule prevailed and every resident of the village of Solvay whose place of residence was nearer by an air line to the meeting-place of Liverpool Lodge in Syracuse than to any other Lodge was within the exclusive jurisdiction of Liverpool Lodge. Matter of Inquiry by Sapphire Lodge, etc., 1915 p. 207, Comp. 716, 718, approved 1916 p. 788, 790 (6).

[§457] (IX) Troy. The jurisdiction of the Lodges in the City of Troy as at present constituted shall remain as prior to the annexation of the Village of Lansingburgh.⁷²

[§458] (X) Utica and Amicable Lodge No. 664. The jurisdiction of the Lodges in the City of Utica and of Amicable Lodge, No. 664, in the town of New Hartford, shall be concurrent over all candidates residing within the territory now comprised within the Seventeenth Ward of the City of Utica.⁷³

[§459] b. Effect of Change in Municipal Limits. Where the air-line rule prevails, a change in municipal limits has no effect upon the jurisdiction of the Lodges.⁷⁴

[§460] c. Effect of Changing Meeting-Place. A change in the meeting-place of a Lodge, although legally accomplished and whether to a different place in the community in which chartered or to a different community, does not operate to change the jurisdiction of the Lodge in the absence of the consent of Lodges correspondingly affected.⁷⁵ Hence, where the air-line rule prevails, jurisdiction must be determined by an air-line starting from the place where the Lodge was chartered.⁷⁶ *A fortiori* a temporary change of meeting-place due to emergency does not change territorial lines.⁷⁷

[§461] d. Effect of Having Alternate Places of Meeting. Where a Lodge is permitted to have two meeting-places, its original place alone is to be considered in determining its territorial jurisdiction.⁷⁸

[§462] e. Effect of Suspension of Charter. Territorial jurisdiction of a Lodge is suspended, but not absolutely forfeited, by the suspension of the Lodge's charter.⁷⁹

[§463] 2. Of Lodges for Study and Research. The territorial jurisdiction of a Lodge for study and research shall be co-extensive with the territorial jurisdiction of Grand Lodge.⁸⁰

72. Consts., §342.

73. Consts., §342.

74. Richardson G. M., 1927, p. 132, Comp. 892 (4), approved 1927 p. 245, Comp. 897, holding that it still extends to a point half way between it and the meeting-place of the nearest Lodge.

75. Gibson G. M., 1870 p. 47, Comp. 154; Comm. J., 1917 p. 236, Comp. 806, 807 (3), approving Living Stone Lodge v. Mt. Vernon Lodge, 1916 p. 171, Comp. 761, 764; In the Matter of Naurashank Lodge, 1923 p. 107, Comp. 1095, approved 1923 p. 179, Comp. 1095; Matter of Monroe Lodge No. 173, 1945 p. 50, approved 1945 p. 79. Cf., Thorne G. M., 1875 p. 30, Comp.

163, 170 (45), approved 1875 p. 231, Comp. 175.

76. Comm. J., 1917 p. 236, Comp. 806, 807 (3), approving Living Stone Lodge v. Mt. Vernon Lodge, 1916 p. 171, Comp. 761, 764.

77. Anthony G. M., Add. 1881 p. 45, Comp. 218.

78. Matter of Mt. Vernon Lodge of Java, 1910 p. 569, Comp. 388; Matter of Mt. Vernon Lodge No. 263, 1911 p. 264, Comp. 561, 564.

79. Gibson G. M., 1870 p. 44, Comp. 149, ruling that during such suspension other Lodges cannot enter upon and seize such territory.

80. Consts., §333.

[§464] 3. Of Lodges Under Dispensation. A Lodge under dispensation has the same territorial jurisdiction as a warranted Lodge⁸¹ and, during the interim between the return of a dispensation and the application to Grand Lodge for a charter, this territorial jurisdiction remains intact.⁸²

[§465] D. Personal or Material Jurisdiction—1. Over Petitioner for Initiation or Affiliation—a. Residence—(I) When Petition for Initiation—(A) Residence Within State—(1) When Prerequisite. With certain exceptions which are discussed in the next four sections, a Lodge shall not initiate any candidate unless he has been a resident of the state of New York for twelve months next preceding the date of the petition for such initiation,⁸³ and where no New York Lodge has acquired jurisdiction, either because petitioner has never come here or has not resided for twelve months in the state, he remains the property of the foreign jurisdiction in which he resides or last resided.⁸⁴

[§466] (2) When Not Prerequisite—(a) If Foreign Lodge Consents.⁸⁵ With the consent of the Lodge within whose jurisdiction the candidate resides or last resided, a Lodge may initiate one who is not a resident of the state⁸⁶ or who has moved hither from another state, but has not yet resided here for a full twelve months.⁸⁷

[§467] (b) If No Other Grand Lodge Has Jurisdiction. It has been held that a Lodge may initiate a non-resident where there is no foreign Grand Lodge having jurisdiction over him.⁸⁸

[§468] (c) If Petitioner in Army or Navy or Engaged in Maritime Occupation. A Lodge may also initiate a candidate who is not a resident of the state of New York if he be engaged in the United States naval or military service, or regularly engaged in maritime

81. Lewis G. M., 1859 p. 28, Comp. 56, 57 (17).

82. Holmes G. M., 1867 p. 22, Comp. 115, 116 (v), approved 1867 p. 4), Comp. 118.

83. Consts., §344; Comm. Gen. R., 1857 pp. 107-114, Comp. 32, 37 (17); Simons G. M., 1861 p. 18, Comp. 64, 66 (19); Gibson G. M., 1869 p. 47, Comp. 139, 143-144; Gibson G. M., 1870 p. 43, Comp. 148, 149 (3); Matter of D'Arville, 1911 p. 227, Comp. 506, 509.

84. Matter of Anglo-Saxon Lodge, 1945 p. 59, approved 1945 p. 79.

85. How consent secured, see *infra*, §§846-848.

86. Consts., §344; Matter of D'Ar-

ville, 1911 p. 227, Comp. 506, 509.

87. Consts., §344; Comm. Gen. R., 1857 pp. 107-114, Comp. 32, 37 (17); Gibson G. M., 1870 p. 43, Comp. 148, 149 (3); Gibson G. M., 1869 p. 47, Comp. 139, 143-144; Opinion D, 1946 p. 91, approved 1946 p. 101, 103.

88. Matter of Dutton, 1910 p. 551, Comp. 363, in which it was decided that a Lodge might initiate a native of India who, with no plans as to the length of his stay had been a resident student at Columbia for two years, and it was said: "The only prohibition is that if he is not a resident of the State consent must be obtained from his foreign jurisdiction. There does not appear to be any such foreign Grand Lodge having jurisdiction over him."

occupation, requiring him to be at sea most of the time, in which case no waiver is required,⁸⁹ provided he is domiciled outside the state.⁹⁰ This means only that the necessity for a waiver is removed and in all other respects the general rule affecting jurisdiction over candidates is applicable.⁹¹ Only the Lodge within whose territory he is sojourning has jurisdiction over him⁹² and non-resident members of the U. S. Army Air Force stationed at army bases within the state in an area where the air-line rule prevailed could be initiated only in the Lodge nearest by air-line to their base.⁹³ A candidate who is in the military service of the United States and stationed within the territorial jurisdiction of a Lodge does not, by his presence in such capacity only, acquire a legal residence therein and if he is discharged from the service before initiation, the Lodge loses jurisdiction over him.⁹⁴

[§469] (d) If Petitioner Moves After Petition Presented. If, at the time of the presentation of the petition for initiation, the Lodge possessed jurisdiction over the petitioner, such jurisdiction is not divested by his subsequent removal to another locality over which the Lodge lacks jurisdiction.⁹⁵

[§470] (B) Residence Within Territorial Jurisdiction of Lodge. With the exceptions noted above,⁹⁶ a Lodge may not, as a general rule, initiate any candidate unless he has been a resident within its territorial jurisdiction for the constitutional period of four months next preceding the date of his petition,⁹⁷ but a temporary interruption of such residence does not interfere with the jurisdiction of the Lodge.⁹⁸ The act of initiation and the fact of residence within the territorial jurisdiction of the Lodge must, moreover, be synchronous.⁹⁹ A Lodge may, however, with the consent of the Lodge within whose jurisdiction the petitioner resides or last pre-

89. Consts., §344.

90. Matter of Commonwealth Lodge No. 409, 1950 p. 34, *approved* 1950 p. 83.

91. *In re Application*, etc., 1937 p. 79, *approved* 1937 p. 153, Comp. 1132.

92. Matter of Commonwealth Lodge No. 409, 1950 p. 34, *approved* 1950 p. 83.

93. *Re Territorial Jurisdiction Centerville Lodge*, 1943 p. 63, *approved* 1943 p. 131.

94. 1917 p. 236, Comp. 807, *approving* Matter of Sackets Harbor Lodge, 1916 p. 170, Comp. 759.

95. *Re Master Builder Lodge No. 911*, 1951 p. 21, *approved* 1951 p. 27.

96. See *supra*, §§466-469.

97. Consts., §344.

98. Matter of Fraternal Lodge, 1939 p. 55, *approved* 1939 p. 116, Comp. 1148, holding that, since the "word 'resident' in Section 344 is the same as 'domicile'", a Lodge might initiate a petitioner who had been back in his "domicile" for less than four months after an absence of several years due to his work in other places in and out of the State.

99. Matter of George Washington Lodge, 1942 p. 41, *approved* 1942 p. 117, Comp. 1191, holding that when, by the time a waiver had been received by Lodge A from Lodge B the petitioner had removed to the jurisdiction of Lodge C, the first waiver was insufficient to confer jurisdiction on Lodge A.

viously resided, initiate one not residing within its territorial jurisdiction¹ or who, having moved into it, has not yet resided there a full four months.²

[§471] (II) When Petition for Affiliation. A Lodge may accept a petitioner for affiliation without regard to limitations of time³ or the place of his residence.⁴

[§472] b. Where Foreign Lodge Refuses Consent After Residence Acquired Here. A Lodge of a foreign jurisdiction cannot retard or prohibit a candidate who has resided in this jurisdiction for the constitutional period of time from receiving the degrees in this jurisdiction.⁵ Hence a resident of this jurisdiction who has been rejected in another jurisdiction may apply to and be accepted by a Lodge in New York at the expiration of twelve months since the rejection.⁶

[§473] c. Where Petitioner Already Accepted in Another Lodge. When a year had elapsed after a favorable ballot on the question of initiation and, after a demand for a new ballot had been made and laid over, the candidate had been notified to come forward for initiation, the Lodge lost all jurisdiction over him and he might be proposed in a second Lodge and initiated without recourse to the former Lodge.⁷

[§474] d. Where Petitioner Rejected—(I) On Petition for Initiation—(A) General Rule. Formerly, jurisdiction over a petitioner, once lawfully obtained, was perpetual and a rejected candidate could not

1. Consts., §344; King G. M., 1862 p. 28, Comp. 74, 83 (63); Gibson G. M., 1870 p. 43, Comp. 148, 149 (5); Thorne G. M., 1875 p. 30, Comp. 163, 169 (43), *approved* 1875 p. 231, Comp. 175; Matter of Olympia Lodge, 1911 p. 258, Comp. 552.

2. Consts., §344; Gibson G. M., 1870 p. 43, Comp. 148, 149 (4); Matter of Victor Lodge, 1918 p. 133, Comp. 813; Opinion D, 1946 p. 91, *approved* 1946 p. 101, 103.

3. 1811 1 Kane R., p. 479, Comp. 5; Thorne G. M., 1875 p. 30, Comp. 163 (2), *approved* 1875 p. 231, Comp. 175; Lawrence G. M., 1885 p. 23, *approved* 1885 p. 128, Comp. 221; Matter of Moore, 1910 p. 509, Comp. 306; Matter of Fellowship Lodge, 1948 p. 47, *approved* 1948 p. 73.

4. Lewis G. M., 1859 p. 28, Comp. 56, 59 (37); King G. M., 1862 p. 28, Comp. 74, 86 (83); Paige G. M., 1864

p. 25, Comp. 98, 100 (17), *approved* 1864 p. 164, Comp. 105; Thorne G. M., 1875 p. 30, Comp. 163 (7), *approved* 1875 p. 231, Comp. 175; Anthony G. M., 1881 p. 35, Comp. 211, 213 (4); Lawrence G. M., 1885 p. 23, *approved* 1885 p. 128, Comp. 221; Comm. G., 1899 p. 229, Comp. 241; Sawyer G. M., 1909 p. 64, Comp. 246, *approved* 1909 p. 480, Comp. 246; Matter of Moore, 1910 p. 509, Comp. 306; Matter of Polar Star Lodge, 1911 p. 254, Comp. 546, 547; Matter of True Craftsman's Lodge, 1916 p. 168, Comp. 756, 758. See also, *infra*, §476.

Contra, Matter of Victor Lodge 1918, Comp. 813.

5. Comm. J., 1900 p. 391, Comp. 242.

6. Scudder G. M., 1907 pp. 54-55, Comp. 245.

7. Holmes G. M., 1866 p. 19, Comp. 109, 111 (viii), *approved* 1866 p. 81, Comp. 113.

be initiated in another Lodge without the consent of the rejecting Lodge.⁸ At the present time the only effect of rejection is to debar the petitioner from presenting another petition to the rejecting Lodge until "after twelve months"⁹ or a different Lodge from taking "affirmative action" upon his petition until the expiration of twelve months after such rejection.¹⁰ It does not operate as a waiver of territorial jurisdiction by the rejecting Lodge.¹¹

[§476] (B) If Rejection Unlawful. Jurisdiction of a Lodge having territorial jurisdiction is unaffected by a prior unlawful rejection of a petitioner and one who has been rejected unlawfully may petition any Lodge having territorial jurisdiction without any limitation of time following such rejection.¹²

[§476] (II) On Petition for Affiliation. The rejection of an application for affiliation confers no jurisdiction on the Lodge rejecting him¹³ and the rejected brother may present a new petition to the same Lodge at the next or any other stated communication,¹⁴ or to another Lodge in another locality,¹⁵ and as often as it may please him so to do.¹⁶

[§477] e. Where Waiver of Jurisdiction Granted. The courtesy of a waiver of territorial jurisdiction over a candidate who has been elected does not constitute or establish any claim whatsoever upon

8. Perpetual Jurisdiction Abandoned. —After due consideration, Grand Lodge abandoned the old usage of "perpetual jurisdiction" by adopting Constitution of 1896, which fixed the limit of one year. Comm. J., 1897 p. 161, Comp. 232; Mead G. M., 1900 p. 55, Comp. 242, stating that the candidate still must answer as to the former rejection and the Investigating Committee must investigate the cause. See also Matter of Carducci Lodge, 1941 p. 112, Comp. 1167, approved 1941 p. 117, Comp. 1167.

Collection of decisions under old usage, see Handbook of Masonic Law (1935 ed), §412.

9. Consts., §353; Matter of Fidelity Lodge, 1910 p. 549, Comp. 361.

10. Consts., §347; Matter of Fidelity Lodge, 1910 p. 549, Comp. 361, holding that under the corresponding section of the Constitution of 1896 it was meant that such Lodge might receive the petition before the expiration of twelve months from the rejection, but

could not initiate the candidate until after such expiration.

11. Matter of Ancient City Lodge, 1910 p. 550, Comp. 362.

12. Paige G. M., 1864 p. 25, Comp. 98, 99 (4), approved 1864 p. 164, Comp. 105, by a Lodge having no jurisdiction at the time of rejection; Gibson G. M., 1870 p. 44, Comp. 149, where petitioner had not applied and had been proposed without his knowledge or consent, though the facts, if known to him, should be stated with his petition.

13. Thorne G. M., 1875 p. 30, Comp. 163 (6), approved 1875 p. 231, Comp. 175; Thorne G. M., 1876 p. 29, Comp. 178 (1).

14. King G. M., 1862 p. 28, Comp. 74, 86 (86); Thorne G. M., 1876 p. 29, Comp. 178 (1).

15. 1855 p. 120, Comp. 26.

16. Paige G. M., 1865 p. 24, Comp. 106, 108 (21), approved 1865 p. 195, Comp. 108.

the candidate for Masonic light,¹⁷ who is at liberty to petition any Lodge having original jurisdiction.¹⁸

[§478] 2. Over Petitioner for Advancement—a. When Initiated and/or Passed in Lodge Which Has Ceased to Exist—(I) Rule Stated. Any Lodge which accepts his application may confer the remaining degree or degrees upon a Fellow Craft or Entered Apprentice made by a Lodge which shall have ceased to exist.¹⁹

[§479] (II) Lodge Under Dispensation Which Was Not Chartered. A brother initiated and passed in a Lodge under dispensation which, after the expiration of the dispensation, was not chartered may be raised by any lawfully constituted Lodge and is not restricted to the Lodge nearest his residence.²⁰

[§480] b. When Initiated in Foreign Jurisdiction. An Entered Apprentice or Fellow Craft of any other Grand Lodge jurisdiction shall not be passed or raised in any Lodge under the jurisdiction of Grand Lodge unless the consent of, or a waiver of jurisdiction from, the Lodge in which he was initiated or passed shall have been obtained, provided said Lodge continue in existence.²¹ The discharge of a Fellow Craft from another Grand Lodge jurisdiction satisfies the requirement of the consent of his former Lodge.²²

[§481] c. When Advanced for Another Lodge. A Lodge can claim no 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.²³

[§482] d. Whose Progress in Another Lodge Has Been Arrested. After a brother's advancement has been arrested by an adverse ballot for a period of six months, any other Lodge may accept his petition for the remaining degrees and, if after his petition has taken the usual course the ballot is unanimously favorable, upon receiving

17. 1900 p. 391, Comp. 242.

18. Matter of Alci, 1949 p. 22, approved 1949 p. 35, holding that the waiver did not confer any exclusive rights, but merely added a Lodge to those having jurisdiction. Cf., Gibson G. M., 1869 p. 41, Comp. 131, 132, holding that, once acted upon by the other Lodge, personal jurisdiction is transferred.

19. Consts., §340, subs. 3.

20. Paige G. M., 1864 p. 25, Comp. 98, 99 (6), approved 1864 p. 164, Comp. 105; Matter of Triumph Lodge U. D., 1910 p. 559, Comp. 374.

21. Consts., §365.

22. Gibson G. M., 1869 p. 47, Comp.

139, 143. See also 1862 p. 206, Comp. 87, where the Committee on Condition of Masonry, commenting on a ruling of King G. M. (1862 p. 28, Comp. 74, 75), said "If by the eighth decision it is meant to state that the Brother ceases to be a resident of the jurisdiction in which he received his first and second degrees, then we cannot conceive that the consent there spoken of is required. He is no longer a part of the material to which the jurisdiction whence he came can lay any just claim."

23. Thorne G. M., 1875 p. 30, Comp. 163, 172 (51), approved 1875 p. 231, Comp. 175.

a waiver of jurisdiction from the Lodge having jurisdiction over him may confer the remaining degrees upon him.²⁴

[§483] e. Who Was Unlawfully Initiated. A Lodge can gain no right over one whom it has initiated unlawfully.²⁵

[§484] 3. Over Member. A brother, whose membership has been constitutionally and lawfully acquired, is personally not only under the jurisdiction of his Particular Lodge, but of the Grand Lodge under which that Lodge hails, and it is not necessary that either have territorial jurisdiction over the place of his domicile. It is his Masonic and not his actual home which gives this jurisdiction.²⁶

[§485] E. Membership How Acquired—1. Methods Enumerated—
a. In Book of Constitutions Not Exclusive. The Book of Constitutions enumerates four methods of acquiring membership in a Lodge,²⁷ but the intention of this provision was merely to enumerate four methods in which membership may be acquired and not to specify exclusive methods.²⁸

[§486] b. By Initiation and Advancement—(I) In One Lodge. Membership in a Lodge may be acquired by having been accepted by the Lodge as a candidate, receiving his first degree therein and afterwards having received the third degree in such Lodge, provided that, immediately after having received such degree, he sign the by-laws of such Lodge.²⁹

[§487] (II) In Two Lodges—(A) When Accepting Lodge Still Exists—(1) And Requests or Consents to Advancement. Membership in a Lodge may be acquired by having been accepted by the Lodge as a candidate and afterwards having received his third

24. Consts., §359; Matter of Highland Lodge, 1930 p. 160, Comp. 994, approved 1931 p. 217, Comp. 1049.

Formerly, it was held that, where a candidate had been rejected on the ballot for his advancement, it was irregular for another Lodge to confer the degree upon him, even on request of the Lodge where he was thus rejected. Lewis G. M., 1859 p. 28, Comp. 56, 58 (20).

25. Gibson G. M., 1870 p. 47, Comp. 154, 155.

26. Comm. J. & Cond. M., 1863 p. 209, Comp. 95, 97.

27. Consts., §340.

28. Comm. J., 1942 p. 111, Comp. 1171, approving Matter of Niagara Frontier Lodge, 1942 p. 111, 117, Comp. 1171, 1173, holding that the

Grand Master might issue a dispensation for the initiation in another Lodge of a man serving in the armed forces of the United States and elected to membership in a New York Lodge who had been transferred to a foreign jurisdiction before he could be initiated.

While the earlier ruling was not mentioned in the opinion, this reverses Matter of Port Jervis Lodge, 1939 p. 60, Comp. 1153, approved 1939 p. 118, Comp. 1152, in which it was held that, under Consts., §340, subs. 2, a candidate must receive the first degree in the Lodge in which he had been accepted and that one accepted, by a New York Lodge could not be initiated in Tennessee when he was attending college.

29. Consts., §340, subs. 2.

degree, by such Lodge's request or consent, in another Lodge, in which case he shall be deemed a member of the accepting Lodge provided that immediately after having received such degree he sign the by-laws of such accepting Lodge.³⁰

[§488] (2) And Has Arrested Advancement. Membership in a Lodge may be acquired by a brother whose advancement in an accepting Lodge has been arrested for six months as the result of an adverse ballot by receiving his second and/or third degrees in another Lodge which shall have acted favorably upon his petition and shall have received a waiver of jurisdiction from the first Lodge, in which case he shall be deemed a member of the second Lodge upon signing its by-laws.³¹

[§489] (B) When Accepting Lodge Has Ceased to Exist. 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.³²

[§490] c. By Affiliation. Membership in a Particular Lodge may be obtained by regular affiliation.³³

[§491] d. By Being Named in Charter of New Lodge. Membership in a Lodge may be acquired by having been named one of the persons to whom was granted the charter under which the Lodge is constituted.³⁴ All members of a Lodge under dispensation at the time of the expiration of the dispensation thus become members when the Lodge is duly chartered and constituted.³⁵

[§492] 2. Notice of Intention to Propose. The Constitutions contain no provision for a notice of intention to propose.³⁶ While a by-law providing for such a notice to be sent after the receipt of a petition may be commendable, one requiring it to be sent before presentation is a practice not approved³⁷ and the appointment of a Membership Committee to whom petitions shall be referred before they are regularly presented to the Lodge is void,³⁸ as is a by-law providing that no petition shall be presented without the approval of such a committee.³⁹

30. Consts., §340, subs. 2; Matter of Spiegel, 1910 p. 510, Comp. 307.

31. Consts., §359.

32. Consts., §340, subs. 3.

33. Consts., §340, subs. 4.

34. Consts., §340, subs. 1.

35. Consts., §331.

36. Matter of Benevolent Lodge, 1936 p. 59, Comp. 1123, 1125, *approved* 1936 p. 128, Comp. 1123.

37. Matter of Antiquity Lodge, 1945 p. 57, *approved* 1945 p. 79, describing such a practice as a "trial balloon" intended to prevent the presentation of a petition if rejection of the petitioner seemed likely.

38. Matter of Henry Clay Lodge, 1917 p. 99, Comp. 797.

39. Matter of Antiquity Lodge, 1945 p. 57, *approved* 1945 p. 79.

[§493] 3. Petition—a. Required. A Lodge shall not initiate a person except upon his petition⁴⁰ and no petition for initiation or affiliation shall be received unless it conform to the requirements of the Book of Constitutions.⁴¹ Where, however, through inadvertence, a petition for initiation actually in the secretary's possession was not read to the Lodge, but instead a notice of intention in writing to propose the candidate signed by his proposer and setting forth the name of the candidate, his age, place of birth, business, residence and place of business was read, an investigating committee was duly appointed and reported, a motion was adopted to receive the report and to ballot on the candidate and a ballot was taken and declared, the ballot must be deemed valid and might not be declared void and a new ballot ordered at a subsequent time.⁴²

[§494] b. Who May Petition—(I) For Initiation and Advancement—(A) In General—(1) Requisite Qualifications⁴³—(a) Must Be a Man. A candidate for initiation must be a man,⁴⁴ no eunuch and no woman.⁴⁵

[§495] (b) Must Be Free Born. To be made a Mason a candidate must be free born.⁴⁶

[§496] (c) Must Be of Lawful Age. Grand Lodge once declared that no person shall be "entered" who shall not have attained the age of twenty-one years⁴⁷ and it has been said that to be "made a Mason" a man must be at least twenty-one⁴⁸ or, as otherwise expressed, "of lawful age, being neither too young nor too old"⁴⁹ or "of mature and discreet age,"⁵⁰ but it is now the law that no petition can be received from a candidate under twenty-one years of age,⁵¹ irrespective of the fact that he might attain that age before any degree is conferred upon him,⁵² and the Grand Master cannot issue a dispensation for a Lodge to receive the petition of one under age.⁵³

40. Consts., §345; 1860 pp. 177-178, Comp. 63; Anthon G. M., 1870 p. 45, Comp. 152, ruling that a by-law providing for the handing of the name of a candidate was void; Matter of Emanuel Lodge, 1945 p. 54, *approved* 1945 p. 79.

41. In the Matter of Rockaway Lodge, 1949 p. 103.

Form of petition for affiliation, see *infra*, §§509-517.

Form of petition for initiation, see *infra*, §§509-517.

42. Matter of Benevolent Lodge, 1936 p. 59, Comp. 1123, *approved* 1936 p. 128, Comp. 1123.

43. Residential qualifications, see *supra*, §§465-471.

44. L., Consts., p. 88; Anthon G. M., 1871 p. 32, Comp. 157 (i).

45. L., Consts., p. 88.

46. L., Consts., p. 88; King G. M., 1862 p. 28, Comp. 74 (4); Anthon G. M., 1871 p. 32, Comp. 157 (i).

47. 1822 2 Kane R. p. 267, Comp. 7.

48. King G. M., 1862 p. 28, Comp. 74 (4).

49. Anthon G. M., 1871 p. 32, Comp. 157 (i).

50. L., Consts. p. 88.

51. Comm. J., 1920 p. 160, Comp. 835 (6).

52. Comm. J., 1920 p. 160, Comp. 835 (6).

53. Matter of Genessee Falls Lodge No. 507, 1947 p. 44, *approved* 1947 p. 154.

Any such petition, or action had thereon, is inefficient for any purpose.⁵⁴ There is no prohibition of the acceptance of a candidate over sixty years of age.⁵⁵

[§497] (d) **Must Be of Good Report.** Every candidate for initiation must be no immoral or scandalous man,⁵⁶ but of good report.⁵⁷ Hence, notwithstanding the legal presumption of innocence, it is indiscreet and injudicious to admit one under indictment.⁵⁸

[§498] (e) **Physical Requirement⁵⁹—(aa) Rule Stated.** Much diversity of opinion has existed relative to the physical qualifications of a candidate for Masonry. Thus it has been said that the Ancient Landmarks govern⁶⁰ and these, according to a list prepared by Past Grand Master Joseph D. Evans and printed in the Book of Constitutions, although never accepted by Grand Lodge, require a candidate to have "no maim or defect in his body or mind that may render him incapable of learning and practicing the art."⁶¹ In 1945, however,

54. Matter of Genesee Falls Lodge, 1947 p. 44, approved 1947 p. 154.

55. Matter of Ivy Lodge, 1946 p. 80, approved 1946 p. 101, 103.

56. L., Consts. p. 88.

57. L., Consts. p. 88; King G. M., 1862 p. 28, Comp. 74 (4).

58. 1826 2 Kane R. p. 457, Comp. 9.

59. Duty of Lodge, see *infra*, §§655-656.

Duty of Master, see *infra*, §963.

Duty of Member, see *infra*, §1068.

Power of Grand Lodge to disturb, see *supra*, §92.

Power of Grand Master to waive, see *supra*, §211.

Right to advancement of one physically unsound, see *infra*, §§1046-1047.

60. In the Matter of Kilwinning Lodge, 1910 p. 494, Comp. 285, an opinion of interest to the student since it quotes from several ancient constitutions; Matter of Wallace, 1910 p. 499, Comp. 292. See also Comm. Cond. M., 1862 p. 206, Comp. 87, saying: "We do not understand, however, that the Constitutions of New York are more restrictive on the subject of physical qualifications than the ancient Landmarks, for it is but the Landmark itself expressed in one of the various forms which have come down to us, being a variance in language and not in sentiment."

61. L., Consts. p. 88.

A man dismembered held ineligible. Matter of Cole, cited Rep. J. A., 1919

p. 106, Comp. 815.

Loss of Eye.—While a mere loss of sight is not necessarily a disqualification (Comm. Cond. M., 1862 p. 206, Comp. 87), loss of one eye (1807 1 Kane R. p. 401, Comp. 4) or inability to see with one eye whereby one is deformed or dismembered (King G. M., 1862 p. 28, Comp. 74, explained 1862 p. 206, Comp. 87) is.

Loss of a foot made a candidate ineligible. Matter of Living Stone Lodge, 1911 p. 264, Comp. 560.

Loss of Part of Fingers of Right Hand.—In Matter of Kilwinning Lodge, 1910 p. 494, Comp. 285, R. W. Abel Crook refused to advise on eligibility of man who had lost part of third and fourth fingers of right hand.

Shortened or Crooked Member.—It was held a violation of a Landmark to make a Mason of one who has the disability of lameness, occasioned by a shortened or crooked limb. Comm. Cond. M., 1855 p. 119, Comp. 26; Comm. Gen. R., 1857 pp. 107-114, Comp. 32, 40 (33); King G. M., 1862 p. 28, Comp. 74 (3).

Steel Brace on Leg.—In Matter of Livingston Lodge, 1910 p. 498, Comp. 290, Judge Advocate Crook advised that his personal judgment was that a man was disqualified who is required, through infirmity, to wear a steel brace running up the outside of his left leg, from the sole of his

Grand Lodge declared⁶² that it recognizes physical qualification as a "regulation rather than a Landmark"⁶³ and amended the Book of Constitutions so that it provides that every candidate for initiation must possess, ability, with or without artificial aid or substitution of members, reasonably to conform to the ritual, and capacity to earn a living for himself and family; provided, however, that the Grand Master shall have power by dispensation in individual cases to waive disability to conform to the ritual, but not disability to earn a living for himself and family, which qualification must be determined by the Lodge.⁶⁴

[§499] (bb) Where Defect Arises After Election. A candidate whose leg was amputated after election but prior to initiation does not possess the necessary physical qualification for initiation.⁶⁵

[§500] (f) Religious Belief.⁶⁶ Every candidate for initiation must possess belief in God and in Immortality⁶⁷ and this is the only religious test to be applied.⁶⁸ His special religious views are no concern of the Craft.⁶⁹

shoe to a band of leather at his right knee, without which he is unable to walk.

Stiffness of the knee not such a defect as to disqualify a candidate for initiation. 1811 1 Kane R. p. 494, Comp. 5.

Use of Crutch.—In re Lefevre, 1910 p. 499, Comp. 291, R. W. Abel Crook expressed his personal opinion that one who is compelled to rely upon a crutch cannot be said to be hale and sound, not deformed or without blemish, and should not be initiated.

62. 1945 pp. 155-157.

63. It emphasized its importance, however, by requiring a note to be appended to the new provision reading: This Grand Lodge recognizes physical qualification as a regulation rather than a Landmark but emphasizes its importance in determining a candidate's qualifications for admission to the Fraternity. Whether a candidate possesses the necessary physical qualifications or not must be determined by the Lodge. If by reason of failure to exercise reasonable care, a candidate is admitted to Lodge membership who thereafter becomes needy because of physical limitations which

should have been apparent at the time of his application, the responsibility of caring for such Brother rests solely upon the Lodge. Consts., §346 note.

64. Consts., §346, subs. 3.

65. Mollenhauer G. M., 1934 p. 153, 154 approved 1935 p. 121, Comp. 1111.

66. As an expression of the simplest form of the faith of Masonry, not exhaustive, but incontrovertible and suggestive, the following is the Masonic Belief:

There is one God, the Father of all men; the Holy Bible is the Great Light in Masonry and the Rule and Guide for faith and practice; man is immortal; character determines destiny; love of man is, next to love of God, man's first duty; prayer, communion of man with God, is helpful. Consts., Preamble p. 3.

67. Consts., §346, 1, 2; L., Consts. p. 88.

68. Simons G. M., 1861 p. 18, Comp. 64, 65 (11).

69. Thorne G. M., 1876 p. 29, Comp. 178, 181 (xx).

[\$501] (B) Alien. Possessing all the other necessary qualifications, an alien may be initiated, alienage being unknown in Masonry.⁷⁰

[\$502] (C) Non-Resident. Although the Constitutions prohibit the initiation of a non-resident without a waiver or release from the jurisdiction of his residence⁷¹ and a Lodge which possesses no jurisdiction over a candidate can take no formal action respecting him whatever until it has acquired jurisdiction through the receipt of a waiver,⁷² they do not prohibit a non-resident from petitioning for initiation and advancement.⁷³

[\$503] (D) Rejected Candidate—(1) When Rejected on Original Ballot. A rejected candidate may not present a new petition to the same Lodge until after the expiration of twelve months.⁷⁴ He may, however, present a petition for initiation to a different Lodge within that period, but the Lodge is forbidden to take affirmative action thereon until after twelve months.⁷⁵

[\$504] (2) When Rejected on Ballot for Advancement. After a brother's advancement has been arrested for six months as the result of an adverse ballot, he may petition any other Lodge within the jurisdiction of this Grand Lodge for the remaining degrees and for membership therein. Such petition shall take the course of a petition for initiation or affiliation and if the ballot on such petition shall be unanimously favorable, the Lodge accepting the petition, upon thereafter receiving a waiver of jurisdiction from the Lodge having jurisdiction over the brother, may confer the remaining degrees upon him.⁷⁶

[\$505] (II) For Affiliation—(A) Rule Stated—(1) Generally. A member of a Lodge⁷⁷ or a non-affiliated Mason⁷⁸ may present his petition for affiliation to any Lodge, although he has always been a resident in another Grand Jurisdiction.⁷⁹ This includes one unaffi-

70. Gibson G. M., 1870 p. 30, Comp. 144, 146; Thorne G. M., 1875 p. 30, Comp. 163 (1), approved 1875 p. 231, Comp. 175; Matter of Dutton, 1910 p. 551, Comp. 363, a native of India, representing the Maharajah and studying at Columbia University, who had no intention of becoming a citizen of the United States.

71. See *supra*, §465.

72. Matter of Onondaga Lodge, 1945 p. 80, approved 1945 p. 101, 103, holding the blackballing of such a petitioner ineffective and void.

73. Matter of Hobson, 1910 p. 526, Comp. 330, 332.

74. Consts., §353.

75. Consts., §347; Matter of Fidelity

Lodge, 1910 p. 549, Comp. 361, construing Constitution of 1896, section 116, which was almost identical in language.

76. Consts., §359.

77. Consts., §348.

78. Consts., §§348, 340; Lewis G. M., 1859 p. 28, Comp. 56, 59 (37); Paige G. M., 1864 p. 25, Comp. 98, 100 (17), approved 1864 p. 164, Comp. 105; Anthony G. M., 1881 p. 35, Comp. 211, 213 (4), dismissed from a Connecticut Lodge; Matter of Polar Star Lodge, 1911 p. 254, Comp. 546, 547; Matter of Fellowship Lodge, 1948 p. 47, approved 1948 p. 73.

79. Comm. G., 1899 p. 229, Comp. 241.

liated for non-payment of dues to whom restoration has been refused after payment of such arrears,⁸⁰ one who has been dropped from the rolls at his own request,⁸¹ one whose Lodge has ceased to exist, on proper evidence of this fact being offered,⁸² and one who has been expelled and afterwards restored to the rights and privileges of Masonry.⁸³

[§506] (2) **When Previously Rejected.** There is no limitation of time imposed on a reapplication for affiliation by one who has been rejected⁸⁴ and he may present a new petition at the next or any other stated communication.⁸⁵

[§507] (B) **Required Qualifications—(1) Must Have No Charges Pending Against Him.** No brother shall become a member of a Lodge by affiliation unless it appear that no charges of unmasonic conduct are pending against him.⁸⁶

[§508] (2) **Must Not Be Indebted for Dues or Assessments.** No brother shall become a member of a Lodge by affiliation unless it shall appear that he is not indebted to any Lodge for dues or assessments.⁸⁷

[§509] c. **Form of Petition—(I) When for Membership and When for Initiation and Advancement.** A petition for affiliation is, of course, for membership, but the petition of a profane should be for initiation and advancement—not for initiation and membership.⁸⁸

80. Sawyer G. M., 1909 p. 64, Comp. 246, *approved* 1909 p. 480, Comp. 246; Matter of Hoffman Lodge, 1910 p. 547, Comp. 358; Matter of Mills, 1911 p. 250, Comp. 540; Matter of True Craftsman's Lodge, 1916 p. 168, Comp. 756, 758.

81. Thorne G. M., 1875 p. 30, Comp. 163 (7), *approved* 1875 p. 231, Comp. 175.

82. King G. M., 1862 p. 28, Comp. 74, 86 (82); Gibson G. M., 1870 p. 47, Comp. 154.

The most authentic evidence of this character is the certificate of the Grand Secretary in whose jurisdiction the brother formerly resided. King G. M., 1862 p. 28, Comp. 74, 86 (82).

Duty of Grand Secretary to furnish, see *supra*, §270.

83. 1811 1 Kane R. p. 479, Comp. 5; In the Matter of Radiant Lodge, 1932 p. 146, *approved* 1933 p. 178, Comp. 1063, 1066.

84. Matter of Fellowship Lodge, 1948 p. 47, *approved* 1948 p. 73.

85. King G. M., 1862 p. 28, Comp. 74, 86 (86).

86. Consts., §340, subs. 4; Matter of Hyatt Lodge, 1910 p. 252, Comp. 543, 546.

This may be ascertained by a declaration in the petition or by an Investigating Committee. Matter of Hyatt Lodge, 1911 p. 252, Comp. 543, 546.

87. Consts., §340, subs. 4; Matter of Hyatt Lodge, 1910 p. 252, Comp. 543, 546.

Where his former Lodge is extinct this may be shown by the Grand Secretary's certificate that he was in good standing in the Lodge when it became extinct and has paid all indebtedness then owing to said Lodge, by him, to the Grand Secretary. Gibson G. M., 1870 p. 47, Comp. 155.

Duty of Member of extinct Lodge to pay to Grand Secretary, see *infra*, §1096.

88. Holmes G. M., 1867 p. 22, Comp. 115, 116 (iv), *approved* 1867 p. 49, Comp. 113.

[§510] (II) Must Be in Petitioner's Handwriting and Signed by Him—(A) Rule Stated. The petition must be in the petitioner's own handwriting and signed with his full name whether it be for initiation⁸⁹ or affiliation.⁹⁰ Pen printing by the petitioner is not legal unless such printing is the usual and customary form of writing peculiar to him, in which case it would be his "handwriting."⁹¹

[§511] (B) If Petitioner Blind. If a petitioner is blind, he should fill out the petition in his own handwriting, his hand being guided by a member of the Lodge, who should certify on the petition that he thus assisted the applicant.⁹²

[§512] (III) Questions to be Answered—(A) In Petition for Affiliation. No petition for affiliation shall be received unless the petitioner shall have answered therein, in his own handwriting, the following questions:⁹³

1. What is your full name?
2. What is your age?
3. Where were you born?
4. Where do you reside?
5. What is your business occupation and where is it conducted?
6. Are you at the present time regularly dimitted from a Masonic Lodge? If so, state the name, number and address of such Lodge.
7. Are you at the present time a member of a Masonic Lodge? If so, state the name, number and address of such Lodge.
8. If you should be received into membership in this Lodge, is it your desire to retain your membership in the Lodge named in your answer to Question 7?
9. At the present time are you a member of more than one Masonic Lodge?
10. Have you heretofore made application for affiliation with any other Masonic Lodge, which application remains unacted upon?
11. Have you ever been rejected upon your application for affiliation, by any Lodge? If so, state the name and location of such Lodge.

[§513] (B) In Petition for Initiation—(1) Prescribed Questions. No petition for initiation shall be received unless the petitioner shall have answered therein, in his own handwriting, the following questions:⁹⁴

89. Consts., §345.

90. Consts., §348.

91. Matter of Hobasco Lodge, 1939 p. 58, approved 1939 p. 117, Comp. 1150.

92. Re Konosioni Lodge No. 950, 1951 p. 19, approved 1951 p. 26.

93. Consts., §348. See also In the Matter of Rockaway Lodge, 1948 p. 103.

94. Consts., §345. See also In the Matter of Rockaway Lodge, 1948 p. 103.

1. What is your full name?
2. What is your age?
3. Where were you born?
4. Where do you reside? If within the City of New York, in what Borough?
5. State explicitly your business occupation for the past ten years, and where conducted.
6. Have you resided in the State of New York the twelve months last past?
7. A. Where have you resided the ten years last past? If in more than one place, state the particular years in each place.
B. Specify your residence during the four months last past.
8. Have you ever presented a petition to any Masonic Lodge? If so, when and to what Lodge?
9. Have you ever been rejected by any Masonic Lodge? If so, when and by what Lodge?
10. Do you believe in the existence of one ever living and true God?
11. Do you believe in the immortality of the soul?
12. Are you in sound bodily health?
13. Do you know of any physical, legal, or moral reason which should prevent you from becoming a Freemason?
State whether you have
 - (a) Any physical deformity or defect;
 - (b) Been convicted of a crime, irrespective of whether sentence was suspended; If your answer be "Yes" to any subdivision of this question, state the facts concisely.
14. Have you read all the questions contained in the foregoing petition? Are all the answers thereto in your own handwriting? And do you, upon your honor, declare your foregoing statements to be true?

[§514] (2) Additional Questions. If, in addition to the constitutional form of petition, printed questionnaires are required prior to a vote on a petition, they are solely for the information of the Investigating Committee and are not properly included in the permanent records of the Lodge.⁹⁵

[§515] (3) Effect of Answers Demonstrating Disqualification. The fact that an answer to the questions respecting belief in God or in immortality demonstrates that the petitioner is disqualified for membership does not render the petition void and it should be acted upon in the usual manner.⁹⁶

95. Matter of Painted Post Lodge, 1947 p. 40, approved 1947 p. 154.

96. Re Robert Fulton Lodge No. 1014, 1951 p. 21, approved 1951 p. 26.

[§516] (IV) Certification Signed by Member of Lodge—(A) Required. No petition, whether for initiation⁹⁷ or affiliation,⁹⁸ shall be received unless it is signed by a member of the Lodge to which it is addressed certifying that he is well acquainted with the petitioner, that he has read the answers to the questions contained in the petition and believes them to be true and that the petitioner is of good character and reputation and comes under the tongue of good repute. No petition shall be received unless so certified.

[§517] (B) Duration of Acquaintance. There is no specified time during which the certifying brother is required to have been acquainted with the petitioner.⁹⁹

[§518] d. Dimit or Certificate of Grand Secretary Showing Status of Non-Affiliate. The petition of a non-affiliated Mason for membership must be accompanied by a dimit or by a certificate of the Grand Secretary showing the petitioner's status as a non-affiliated Mason.¹

[§519] e. Recommendation by Member of Another Lodge. A Lodge by-law which requires that a petitioner be recommended in writing by a member of some other Lodge is valid.²

[§520] f. Receipt of Petition—(I) Must Be in Open Lodge. A petition is received when it is presented in open Lodge³ and not when presented to the Lodge secretary.⁴

[§521] (II) Must Be at Stated Communication. A petition, either for initiation or affiliation, may be received by a Lodge at a Stated Communication only,⁵ even though a Special Communication has been summoned for the purpose pursuant to proclamation at the last previous Stated Communication.⁶

[§522] (III) Not Received if Petition Pending in Another Lodge

97. Consts., §345; In the Matter of Rockaway Lodge, 1948 p. 103.

98. Consts., §348; In the Matter of Rockaway Lodge, 1948 p. 103.

99. Re Sunrise Lodge No. 1069, 1951 p. 19, approved 1951 p. 26.

1. Consts., §340. But cf., Consts., §348, which reads that if a petition for affiliation "be granted, the Brother shall become a member of the Lodge so accepting him when . . . it shall receive . . . if the petitioner be a non-affiliated Mason, a dimit or a certificate of the Grand Secretary showing the petitioner's status as a non-affiliated Mason, and he shall have signed the By-Laws."

Non-affiliated Mason defined, see

supra, §16.

2. Mollenhauer G. M., 1934 p. 153, 154, approved 1935 p. 120, Comp. 1111.

3. Matter of Nathan Hale Lodge, 1943 p. 52; Matter of Benevolent Lodge, 1936 p. 59, approved 1936 p. 128, Comp. 1123, 1125.

4. Matter of Benevolent Lodge, 1936 p. 59, approved 1936 p. 128, Comp. 1123, 1125.

5. Consts., §352; Paige G. M., 1865 p. 24, Comp. 106 (1), approved 1865 p. 195, Comp. 108; In the Matter of Morning Star Lodge, 1913 p. 233, Comp. 599; Matter of Emanuel Lodge, 1945 p. 54, approved 1945 p. 79.

6. Crane G. M., 1863 p. 18, Comp. 90 (3), approved 1863 p. 173, Comp. 94.

—(A) Rule Stated. No petition for initiation or affiliation may be received if it discloses that a petition of the same person is pending in another Lodge.⁷

[§523] (B) When "Pending" Ceases. A petition ceases to be pending as soon as a ballot thereon has been taken by the Lodge to which it has been presented.⁸

[§524] g. Withdrawal or Return of Petition—(I) Right To—(A) For Initiation—(1) General Rule. Except one requiring a waiver of jurisdiction⁹ or one wrongfully presented,¹⁰ a petition for initiation cannot be withdrawn, but must be acted upon by report of committee and a ballot¹¹ even though the petitioner, after his petition has been accepted and referred, has removed to another jurisdiction.¹² After a favorable ballot, however, the candidate may by vote of the Lodge at a stated communication, withdraw his petition.¹³

[§525] (2) Exceptions to General Rule—(a) When Waiver of Jurisdiction is Necessary. A petition requiring a waiver of jurisdiction over a candidate may be withdrawn before a vote¹⁴ and, upon a written request therefor before the waiver has been secured, it is

7. Consts., §352; In the Matter of Ancient Lodge, 1912 p. 231, Comp. 597.

8. Consts., §352; Matter of Huguenot and Apawamis Lodges, 1911 p. 226, Comp. 504; Matter of Seneca Lodge U. D., 1915 p. 209, Comp. 718, *approved* 1916 p. 201, Comp. 792; Matter of Round Hill Lodge, 1948 p. 59, *approved* 1948 p. 73; Matter of Alci, 1949 p. 22, *approved* 1949, p. 35; Re Master Builder Lodge No. 911, 1951 p. 20, *approved* 1951 p. 26.

9. See *infra*, §525.

10. See *infra*, §526.

11. Consts., §353. See also Gibson G. M., 1869 p. 47, Comp. 140, 144, ruling that it may be withdrawn before it has been accepted or referred; Paige G. M., 1865 p. 24, Comp. 106, 108 (18), *approved* 1865 p. 195, Comp. 108, ruling that a petition to be made a Mason cannot be withdrawn, after reference, under any circumstances.

12. Comm. J., 1916 p. 201, Comp. 788, 790 (5), *approving* In the Matter of Guardian Lodge, 1915 p. 206, Comp. 713, and stating that the proper procedure in such case is for the Lodge to ballot upon the petitioner, but, if elected, to refrain from conferring the

degrees upon him until receipt of a proper waiver from the jurisdiction of his new residence; Re Master Builder Lodge No. 911, 1951 p. 20, *approved* 1951 p. 26.

13. Matter of Round Hill Lodge, 1948 p. 59, *approved* 1948 p. 73, holding that if the request to withdraw and a demand for rebalot were received at the same communication the Master may determine on which of the two first actions shall be taken.

14. Consts., §353. See also King G. M., 1862 p. 28, Comp. 74, 83 (61), ruling that the petition should be dismissed as soon as the fact is ascertained, no ballot being necessary; Holmes G. M., 1865 p. 19, Comp. 109, 110 (v), *approved* 1866 p. 81, Comp. 113, ruling that if there should be proposed in a Lodge a resident of a foreign jurisdiction and that fact should be discovered previously to the report of the Investigating Committee, a ballot is not necessary. The Lodge never having had territorial jurisdiction of the candidate should cease to exercise control over the material belonging to another state or country as soon as its mistake has been discovered.

the duty of the Lodge Secretary or other official custodian of the document to return it to the petitioner immediately.¹⁵

[§526] (b) When Wrongfully Presented—(aa) Rule Stated. A petition wrongfully presented and referred must be returned as soon as the error is discovered.¹⁶

[§527] (bb) How Noted in Minutes. If, before action is entered upon the minutes, it is discovered that a petition has been presented which does not conform to the Constitutions, no reference thereto should appear in the minutes. If it is discovered afterwards, there should be an entry on the minutes of a subsequent meeting to the effect that, it having been discovered the petition was wrongfully received, the same has been withdrawn. The minutes cannot be changed after they have been read and approved at the close of the meeting.¹⁷

[§528] (B) For Affiliation. A petition for affiliation may be withdrawn before vote.¹⁸

[§529] (II) Withdrawal How Made. Where withdrawal of a petition is permitted, the request should be in writing.¹⁹ Since a Lodge which possesses no jurisdiction over a candidate can take no formal action respecting him until it has acquired jurisdiction through the receipt of a waiver and any action it takes prior thereto is void,²⁰ it is the duty of the Secretary or official custodian of the document, upon request, immediately to return the same to the petitioner,²¹ but where the Lodge has jurisdiction and has acted favorably upon the petition, it would seem that it may be withdrawn only after vote of the Lodge at a Stated Communication.²²

[§530] 4. Investigating Committee—a. Must Be Appointed. An investigation of a person prior to the receipt of his petition by a Lodge is highly improper,²³ but when received, a petition must be

15. Re Withdrawal of Petition, etc., 1941 p. 119, *approved* 1942 p. 112, Comp. 1174.

16. Consts., §353; Richardson G. M., 1928 p. 211, Comp. 910 (3), *approved* 1928 p. 229, Comp. 916, a petition not conforming to the Constitutions.

17. Richardson G. M., 1928 p. 211, Comp. 910 (3), *approved* 1928 p. 229, Comp. 916.

18. Consts., §353; Paige G. M., 1865 p. 24, Comp. 106, 108 (18), *approved* 1865 p. 195, Comp. 108; Thorne G. M., 1876 p. 29, Comp. 178 (ii), after it has been referred and reported upon.

19. Re Withdrawal of Petition, etc., 1941 p. 119, *approved* 1942 p. 112, Comp. 1174; Matter of Round Hill

Lodge, 1948 p. 59, *approved* 1948 p. 73.

20. Matter of Onondaga Lodge, 1946 p. 80, *approved* 1946 p. 101, 103, blackballing the petitioner.

21. Re Withdrawal of Petition, etc., 1941 p. 119, *approved* 1942 p. 112, Comp. 1174.

22. Matter of Round Hill Lodge, 1948 p. 59, *approved* 1948 p. 73.

23. Matter of Henry Clay Lodge, 1917 p. 99, Comp. 797, holding that a by-law providing for such a committee was void; Matter of Nathan Hale Lodge, 1943 p. 52, holding the appointment of a committee for such purpose by the Master and/or the direction of a by-law is void.

referred to an Investigating Committee of not less than three members, whether it be for initiation²⁴ or affiliation,²⁵ and this must be done each time an application is made²⁶ and even though the answers in the petition as to belief in God or in immortality demonstrate that the petitioner is disqualified for membership.²⁷ If an Investigating Committee is of less than three, rejection of petitioners on a ballot following report of the two is final, but election on such report is void.²⁸

[§531] b. **Interval Between Reference and Report.** No report of an Investigating Committee shall be received until at least two weeks after a petition shall have been referred.²⁹

[§532] c. **When Report Deemed Made.** The report of an Investigating Committee, if made in writing, signed by the Committee and delivered to the Secretary, is lawfully in possession of the Lodge and, on its presentation by the Secretary, the Lodge may proceed to act upon it whether the Committee are present or not.³⁰

[§533] d. **Nature of Committee's Investigation.** The Constitutions require due inquiry into the petitioner's character³¹ and a mere search of the public records to determine that he is not a convicted felon, a bankrupt or a recalcitrant judgment debtor does not comply with this requirement.³²

[§534] e. **Form of Report.** Whether on a petition for initiation or affiliation, an Investigating Committee must report in writing³³ and in terms "favorable" or "unfavorable,"³⁴ but, the nature of the report, whether the one or the other, should not be entered in the minutes.³⁵ For the information of the Investigating Committee and to aid it in its work, a Lodge may use a printed questionnaire in addition to the

24. Consts., §352; Matter of Emanuel Lodge, 1945 p. 54, *approved* 1945 p. 79; In the Matter of Rockaway Lodge, 1948 p. 103.

25. Consts., §§352, 348; In the Matter of Rockaway Lodge, 1948 p. 103. Thorne G. M., 1876 p. 29, Comp. 178 (i).

26. Consts., §353; Thorne G. M., 1876 p. 29, Comp. 178 (i).

27. Re Robert Fulton Lodge No. 1014, 1951 p. 21, *approved* 1951 p. 26.

28. Opinion B, 1950 p. 43, *approved* 1950 p. 83.

29. Consts., §352; Matter of Emanuel Lodge, 1945 p. 54, *approved* 1945 p. 79.

30. Simons G. M., 1861 p. 18, Comp. 64, 66 (21). See also Matter of Civic Lodge, 1910 p. 551, Comp. 364.

31. Consts., §347.

32. Matter of Transportation Lodge, 1945 p. 53, *approved* 1945 p. 79.

33. Consts., §352; Thorne G. M., 1875 p. 30, Comp. 163, 172 (53), *approved* 1875 p. 231, Comp. 175, 177; Matter of Emanuel Lodge, 1945 p. 54, *approved* 1945 p. 79; In the Matter of Rockaway Lodge, 1948 p. 103.

34. Consts., §352.

35. 1875 p. 231, Comp. 175, 177, *modifying* Thorne G. M., 1875 p. 30, Comp. 163, 172 (53), who had ruled that it must be, the Committee on Condition of Masonry saying that neither the Constitution or Statutes required it and that they did not deem it expedient that the practice should be established.

constitutional petition, but this is not a part of the permanent records of the Lodge.³⁶ The Constitutions do not require the report to be endorsed upon the petition.³⁷

[§535] f. **Effect of Unfavorable Report.** An unfavorable report by an Investigating Committee does not reject a candidate and a ballot is necessary in all cases.³⁸

[§536] 5. **Balloting on Petition—**a. **When Required—(I) For Initiation.** A petition for initiation, except one requiring a waiver of jurisdiction,³⁹ once received by the Lodge and referred to an Investigating Committee, must be acted upon by a ballot,⁴⁰ even though it is known that the receiving of the degree by the petitioner after his election would be illegal.⁴¹

[§537] (II) **For Affiliation.** Unless previously withdrawn,⁴² a petition for affiliation must be acted upon by ballot upon receipt of the report of an Investigation Committee.⁴³

[§538] b. **Ballot When Taken—(I) Generally—(A) Immediately Upon Report of Committee.** There can be no reasonable objection to a ballot immediately upon the report of the Investigating Committee and this is the usual custom in this jurisdiction.⁴⁴

[§539] (B) **Must Be Within Reasonable Time.** While, following the report of an Investigating Committee, the ballot upon a petition may be postponed to a future specific time not unreasonably remote,⁴⁵ it may not be indefinitely postponed⁴⁶ and a postponement cannot be justified when it is obviously to prevent the exercise of the right to ballot⁴⁷ or the right of objection.⁴⁸

[§540] (C) **Must Be at Stated Communication Only.** The ballot on a petition for initiation or affiliation can be taken only at a Stated Communication⁴⁹ and this is true even though the Lodge has been

36. *Matter of Painted Post Lodge*, 1947 p. 40, *approved* 1947 p. 154.

37. *Klinck G. M.*, 1938 p. 71, 72, *approved* 1938 p. 146, *Comp.* 1136.

38. *Paige G. M.*, 1865 p. 24, *Conn.* 106, 107 (11), *approved* 1865 p. 195, *Comp.* 108.

39. *See supra*, §525.

40. *Consts.*, §353; In the *Matter of Rockaway Lodge*, 1948 p. 103.

41. *Holmes G. M.*, 1866 p. 19, *Comp.* 109, 110 (iv), *approved* 1866 p. 81, *Comp.* 113, the case of a rejected candidate petitioning in less than the constitutional time after his rejection.

42. *See supra*, §528.

43. *Consts.*, §348; In the *Matter of*

Rockaway Lodge, 1948 p. 103.

44. *Matter of Civic Lodge*, 1910 p. 551, *Comp.* 364. *See also* *Simons G. M.*, 1861 p. 18, *Comp.* 64, 66 (21).

45. *Klinck G. M.*, 1938 p. 71, 73, *approved* 1938 p. 146, *Comp.* 1137.

46. *King G. M.*, 1862 p. 28, *Comp.* 74, 85 (73).

47. *Klinck G. M.*, 1938 p. 71, 73, *approved* 1938 p. 146, *Comp.* 1137.

48. *Lewis G. M.*, 1859 p. 28, *Comp.* 56, 58 (21); *Klinck G. M.*, 1938 p. 71, 73, *approved* 1938 p. 146, *Comp.* 1137.

49. *Consts.*, §354; *Crane G. M.*, 1863 p. 18, *Comp.* 90 (3), *approved* 1863 p. 173, *Comp.* 94.

specially summoned for the purpose pursuant to proclamation at its last previous Stated Communication.⁵⁰

[§541] (II) When Waiver of Jurisdiction Required. A Lodge shall not ballot upon a petition for initiation of any candidate for whom a waiver of jurisdiction is required without first having applied for and obtained the consent of the Lodge within the jurisdiction of which the candidate resides or last previously resided⁵¹ and any ballot taken prior to the receipt of such waiver is void.⁵²

[§542] (III) Where Candidate Previously Rejected. If it shall be ascertained that a petitioner for initiation has been previously rejected, no affirmative action shall be taken upon his petition until the expiration of twelve months after such rejection.⁵³

[§543] c. Ballot How Taken—(I) Collective Ballot Not Favored but Permitted. The Constitutions contemplate that each applicant shall have his individual application considered and passed upon without in anywise being associated with that of another,⁵⁴ but custom has permitted collective balloting in the interest of time saving.⁵⁵ Where a collective ballot has been taken which appears cloudy, the proper procedure is to proceed to further individual ballots without announcing the result of the collective ballot.⁵⁶

[§544] (II) Balloting Once Commenced Must Be Completed. Balloting on a petition must be continuous and, once commenced, cannot be postponed or adjourned,⁵⁷ or interrupted by any other business

50. Crane G. M., 1863 p. 18, Comp. 90 (3), approved 1863 p. 173, Comp. 94.

51. Penney G. M., Edict November 23, 1917.

52. Matter of Onondaga Lodge, 1945 p. 80, approved 1945 p. 101, 103, in this case a rejection.

53. Consts., §347.

Formerly, the corresponding section (116) of Constitution of 1896 read: "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 twelve months after such rejection." Under this provision it was held that Crescent Lodge had the right to receive the application of a candidate whose petition was pending in Republic Lodge and was rejected after his petition had been presented in Crescent Lodge and,

if its members approved, to elect the candidate, but that Crescent Lodge could not proceed further until the expiration of twelve months from the date of rejection. Matter of Remmert, 1910 p. 531, Comp. 337, 338.

54. Matter of York Lodge, 1910 p. 522, Comp. 324, which decided that where, on a collective ballot the Master declared the ballot cloudy, the ballot was void; Matter of Olympia Lodge No. 808, 1950 p. 34, 42, approved 1950 p. 83, no petitioner can be rejected on a collective ballot.

55. Re Section 354, etc., 1938 p. 75, Comp. 1139, approved 1938 p. 146, Comp. 1139.

56. Re Paul Revere Lodge No. 929, 1951 p. 21, approved 1951 p. 26.

57. Consts., §357; Thorne G. M., 1876 p. 29, Comp. 178, 179 (vii).

or proceedings,⁵⁸ as by calling the Lodge to refreshment,⁵⁹ but must be completed and the result declared,⁶⁰ even though it is claimed that the ballot is illegal.⁶¹ Where individual ballots have to be taken following a collective ballot which was cloudy, they should be taken at once.⁶² There is no adjournment or postponement where, after the destruction of a collective ballot, separate ballots are taken without interruption with the result that one petitioner is accepted and another rejected.⁶³ If a second ballot becomes necessary following a void collective ballot and is not had forthwith, the Lodge should be summoned for a later communication.⁶⁴

[§545] (III) **Ballot Must Be Secret.**⁶⁵ The ballot on a petition should always be strictly secret and inviolable⁶⁶ and should be so spread that no one present will know, or can know, how any other brother voted.⁶⁷

[§546] d. **Who May or Must Vote—(I) All Members Present Must—(A) Rule Stated.** Every member of the Lodge present at any balloting therein for initiation, advancement or affiliation must vote.⁶⁸ No one can be excused, ask to be excused or state any reasons for voting or not voting.⁶⁹

[§547] (B) **Except Tiler Who May.** The Tiler, while attending to his duties, is not present in the sense that he must vote, but he should be accorded the opportunity to do so if he expresses the desire.⁷⁰

58. Crane G. M., 1863 p. 18, Comp. 90, 92 (12), *approved* Comm. Cond. M., 1863 p. 173, Comp. 94, 95, which said that this was a correct interpretation of long existing fundamental law required to be repeated year after year.

59. In the Matter of W. Bro. Peter Bianchetti, 1913 p. 294, Comp. 642; Matter of Eureka Lodge, 1943 p. 48, *approved* 1943 p. 129.

60. Consts., §357; Thorne G. M., 1876 p. 29, Comp. 178, 179 (vii); Comm. J., 1944 pp. 82-83, *approving* Archimede Lodge, 1944 p. 41.

61. Klinck G. M., 1938 p. 71, 72, *approved* 1938 p. 146, Comp. 1136, ruling that in such circumstances initiation should be held up until a ruling is received on the legality of the ballot.

62. Re Paul Revere Lodge No. 929, 1951 p. 21, *approved* 1951 p. 26.

63. Matter of Kerem Lodge, 1945 p. 53, *approved* 1945 p. 79.

Destruction of ballot, see *infra*, §551.

64. Matter of York Lodge, 1910 p. 522, Comp. 324; Matter of Olympia Lodge No. 808, 1950 p. 34, 42, *approved* 1950 p. 83.

65. Punishment for disclosing, see *infra*, §1399.

66. Crane G. M., 1863 p. 18, Comp. 90, 92 (13), ruling that it is unmasonic for any brother to be allowed to know how another brother may have voted on the admission of a candidate, *approved* Comm. Cond. M., 1863 p. 173, Comp. 95, which said that this decision was but correct interpretation of long existing fundamental law, yet required to be repeated year after year; Matter of Lafayette Lodge, 1910 p. 517, Comp. 317, 319; Matter of Granville Lodge, 1911 p. 262, Comp. 558.

67. Gibson G. M., 1869 p. 43, Comp. 133.

68. Consts., §355; Re Refusal of Lodge Member to Ballot, 1949 p. 22, *approved* 1949 p. 35.

Refusing to vote an offense, see *infra* §1167.

69. Gibson G. M., 1869 p. 43, Comp. 133.

70. Re Rights and Obligations of Tyler (*sic*), etc., 1948 p. 45, *approved* 1948 p. 73.

[§548] (II) Proxies Not Permitted. It is a well-established principle of Masonic law that the individual responsibility, on the acceptance or rejection of a candidate, cannot be delegated or transferred. A brother cannot cast a blackball by proxy.⁷¹

[§549] (III) Visiting Brother. The fact that a visiting brother balloted on an application for membership, after declaration of ballot by the Master, has been held not such an irregularity as to void the ballot.⁷²

[§550] e. Examination of Ballot by Wardens Before Result Announced. The universal custom of displaying the ballot for inspection by the Wardens before it is declared has been called an ancient landmark, failure to conform to which renders the ballot void⁷³, but the only officer who may effectively determine the result is the Master whose announcement must be by express declaration or unequivocal acceptance of the prior declaration of the Wardens.⁷⁴

[§551] f. Destruction of Ballot Before Result Declared—(I) Rule Stated. Although prior to 1920 there was no positive enactment governing the matter, it was deemed advisable that a ballot should be destroyed only once before announcing the result,⁷⁵ but the destruction of two ballots is now permitted with announcement of the result of the third mandatory.⁷⁶ If the Master wishes to consider a ballot a second time, he should destroy it as soon as he discovers that it is not clear and proceed with the new ballot without announcing the result of the ballot which is destroyed.⁷⁷ In such case, the balloting must be continuous and interrupted by any other business or proceedings⁷⁸ and before any of the brethren who participated in the destroyed ballot have left the Lodge.⁷⁹

71. Thorne G. M., 1875 p. 30, Comp. 163, 165 (15), *approved* 1875 p. 231, Comp. 175.

72. Matter of University Lodge U. D., 1917 p. 99, Comp. 796. Not passed upon by Grand Lodge. 1917 pp. 268, 269, Comp. 811, 812.

73. Comm. J., 1917 p. 236, Comp. 806, 809 (12), *disapproving* Matter of Lotus Lodge, 1916 p. 189, Comp. 787, which held that such failure was a mere informality.

74. Matter of Olympia Lodge No. 808, 1950 p. 34, 42, *approved* 1950 p. 83, saying that if his observation of the ballot does not agree with their announcement he should direct a reinspection.

75. Lewis G. M., 1859 p. 28, Comp. 56 (3); Thorne G. M., 1876 p. 29, Comp. 178, 180 (xi).

76. Comm. J., 1920 p. 160, Comp. 834; Consts., §354; Comm. J., 1944 pp. 82-83, *approving* Archimede Lodge, 1944 p. 41.

77. Richardson G. M., 1928 p. 211, Comp. 910 (2), *approved* 1928 p. 229, Comp. 916.

78. Crane G. M., 1863 p. 18, Comp. 90, 92 (12), *approved* 1863 p. 173, Comp. 94, 95; Matter of Eureka Lodge, 1943 p. 48, *approved* 1943 p. 129.

There was no postponement where, after a collective ballot, separate ballots were immediately spread on two candidates, one of whom was accepted and the other rejected. Matter of Kerem Lodge, 1945 p. 53, *approved* 1945 p. 79.

79. Simons G. M., 1861 p. 18, Comp. 64, 65 (18), *approved* 1861 p. 176, Comp. 72, 73.

[§552] (II) **Collective Ballot Counted.** A collective ballot must be counted in the manner of ballots which may be destroyed before announcement of the result.⁸⁰

[§553] g. **Result of Ballot—(I) Lodge Minutes Control.** The Lodge minutes are controlling as to the result of a ballot.⁸¹

[§554] (II) **Single Adverse Ballot Rejects.** Unless the ballot is unanimous in favor of the petitioner he shall be declared rejected.⁸²

[§555] (III) **Which Results in Rejection⁸³—(A) Of Petition for Initiation—(I) Unaffected by Motive.** The motive of casting a ballot will not alter the effect of the rejection of a candidate.⁸⁴

[§556] (2) **Cannot Be Reconsidered—(a) General Rule.** Except as stated in the next section, an adverse ballot on a petition for initiation cannot be reconsidered⁸⁵ and a Lodge cannot require a second ballot either by resolution or by-law.⁸⁶ This is true where the result has been announced although the Master did not formally declare the petition rejected⁸⁷ or where, through inadvertence, the petition for initiation was not read, but instead, a notice of intention in writing signed by the proposer and setting forth the information required.⁸⁸ The petition is defunct by rejection and a new one is required for any new action.⁸⁹

[§557] (b) **When First Ballot Void.** A second ballot may be taken without regard to any time limitation if the first ballot was void⁹⁰ but, as it would be unfair that the ballot should be reconsidered or the applicant balloted upon without affording to each member of the Lodge an opportunity to express his wish in this respect, the Master

80. Re Section 354, etc., 1938 p. 75, Comp. 1139, *approved* 1938 p. 146, Comp. 1139; Re Paul Revere Lodge No. 929, 1951 p. 21, *approved* 1951 p. 26.

81. Matter of Park Lodge, 1911 p. 225, Comp. 503.

82. Consts., §354; Matter of Granville Lodge, 1911 p. 262, Comp. 558.

83. Effect on personal jurisdiction, see *supra*, §§474-476.

84. Gibson G. M., 1870 p. 47, Comp. 155, mistake as to the identity of the candidate; Thorne G. M., 1876 p. 29, Comp. 178, 180 (x).

85. Consts., §353; Thorne G. M., 1875 p. 30, Comp. 163, 166 (20), *approved* 1875 p. 231, Comp. 175, even though the second ballot is clear and none have left the lodge between the ballots; Matter of Arcade Lodge, 1910 p. 517, Comp. 317; Matter of

Benevolent Lodge, 1936 p. 59, Comp. 1123, *approved* 1936 p. 128, Comp. 1123, 1126. See also preceding section.

86. Gibson G. M., 1870 p. 45, Comp. 152, 153.

87. Richardson G. M., 1928 p. 211, Comp. 910 (2), *approved* 1928 p. 229, Comp. 916.

88. Matter of Benevolent Lodge, 1936 p. 59, 61, Comp. 1123, *approved* 1936 p. 128, Comp. 1123, 1126.

89. Gibson G. M., 1870 p. 44, Comp. 149, 150.

90. Matter of York Lodge, 1910 p. 522, Comp. 324, 325, where candidates had been declared rejected on a collective ballot; Matter of Park Lodge, 1911 p. 225, Comp. 503. See also Comm. J., 1917 p. 236, Comp. 806, 810, *disapproving* Matter of Lotus Lodge, 1916 p. 189, Comp. 787.

should summon the entire membership to a Stated Communication to ballot upon the application.⁹¹

[§558] (3) When May New Petition Be Presented. After twelve months, the rejected candidate may present a new petition, which must take the same course as his former one.⁹²

[§559] (B) Of Petition for Affiliation. The rejection of a petition for affiliation has no effect beyond preventing the petitioner from immediately becoming a member of the rejecting Lodge.⁹³

[§560] 6. Objection and/or Demand for Reballot—a. Distinguished. There is a clear distinction between an objection and a demand for a reballot. An objection may be interposed without demanding a new ballot.⁹⁴

[§561] b. Objection—(I) May Be Oral or Written. An objection to the initiation or advancement of a candidate may be oral or written⁹⁵ and may be made by a sister Lodge.⁹⁶

[§562] (II) Effect of Objection.⁹⁷ An objection, whether written or verbal, does not have the effect of rejecting the petition of a candidate or the advancement of a brother.⁹⁸ It does, however, stand as a bar⁹⁹ which, if timely made,¹ must be respected once² by defer-

91. Matter of York Lodge, 1910 p. 522, Comp. 324, 325, where candidates had been declared rejected on a collective ballot; Matter of Park Lodge, 1911 p. 225, Comp. 503.

92. Consts., §353. See also Matter of Arcade Lodge, 1910 p. 517, Comp. 317; Matter of Remmert, 1910 p. 531, Comp. 337, and *supra*, §§474, 503.

93. See *supra*, §§470, 506.

94. In the Matter of Waverly Lodge, 1915 p. 407, Comp. 734, 736. See also Comm. Cond. M., 1862 p. 206, Comp. 87, 88 (9, 11), *explaining* King G. M., 1862 p. 206, Comp. 74, 75 (9, 11).

95. Consts., §358; Gibson G. M., 1869 p. 43, Comp. 133, 134, ruling that if a brother is ill or otherwise physically unable to attend and make objection in person, he may make it in writing, over his signature, and cause it to be presented to the Lodge.

96. Commrs. App., 1911 p. 395, Comp. 264, disciplining a Master for

suppressing a letter from a sister Lodge protesting the advancement of a candidate.

97. Objection to signing of By-Laws, see *infra*, §563.

98. Consts., §358; Matter of Small, 1910 p. 526, Comp. 329; Matter of Fischer, 1910 p. 529, Comp. 334, 335. See also Comm. Cond. M., 1862 p. 206, Comp. 87, 88 (9, 11), *explaining* King G. M., 1862 p. 206, Comp. 74, 75 (9, 11).

99. Gibson G. M., 1869 p. 43, Comp. 133, 134.

1. When conferring the degree has begun and an objection to initiation or advancement is made to the Master, it will rest with him to determine whether he will proceed or not. Thorne G. M., 1876 p. 29, Comp. 178, 180 (ix).

2. After one objection and the initiation has been deferred in accordance therewith, the Master, in his discretion, may refuse to respect a subsequent objection to the initiation of such candidate. Consts., §358.

ring the initiation of a candidate or the advancement of a brother until a subsequent communication,³ which must be a stated one.⁴

[§563] c. Demand for Reballot—(I) When and How Made. While the Constitutions recognize that a ballot for each degree is an undeniable right, if demanded, they do not state when the demand shall be made beyond stating that, after acceptance and before initiation, it may be at a Stated or a Special Communication, provided the latter be one called for the purpose of conferring the degree to which the candidate is entitled.⁵ Nor do the Constitutions state how a demand for a reballot shall be made, though it has been said that it should be made in open Lodge⁶ and may be by motion.⁷

The Constitutions are also silent as to a demand for a reballot in the case of a candidate for advancement and it was formerly ruled that, while such demand might be made at a Stated or Special Communication, this could be only when the candidate applied for such advancement;⁸ but it is now settled that a ballot on the advancement of a brother from one degree to another may be demanded at a Stated Communication other than one called for the conferring of the particular degree⁹ or at a Special Communication called for the conferring of any degree upon a candidate in question.¹⁰

3. Consts., §358; Matter of Small, 1910 p. 526, Comp. 329; Matter of Fischer, 1910 p. 529, Comp. 334; Re Ballot on Objection to Advancement, 1938 p. 76, approved 1938 p. 145, Comp. 1140, 1141. See also Comm. J. & Cond. M., 1869 p. 81, Comp. 113, 114.

4. Matter of Fischer, 1910 p. 529, Comp. 334, 335, where it is said that it may be that a brother desires to investigate either the character or qualifications of a candidate or advancing brother without subjecting him to rejection, if upon such investigation he be found desirable and qualified. Without notice, he may assume that nothing further will be done in the matter until the next Stated Communication of which he possesses notice, when he can be present and either renew his objection or withdraw it or demand a ballot. He would be deprived of this opportunity if the Master were meanwhile to call a Special Communication, perhaps without notice to him, and in absence of the objector, confer the degree without affording him an opportunity to renew or withdraw it. The purpose for which the objection was made might thus be thwarted.

5. Consts., §358. See also Johnson G. M., 1868 p. 20, Comp. 120, 123 (iv),

after a candidate has been elected for initiation a brother may call for a ballot at a subsequent Communication; Thorne G. M., 1875 p. 30, Comp. 163, 166 (21), approved 1875 p. 231, Comp. 175, "a ballot for initiation may be demanded at any Communication, whether the candidate appears for his degree or not."

6. In the Matter of St. Paul Lodge, 1929 p. 103, Comp. 928, 930, approved 1929 p. 206, Comp. 963. See also Comm. Cond. M., 1875 p. 231, Comp. 175, 176, amending Thorne G. M., 1875 p. 30, Comp. 163, 165 (16).

7. Holmes G. M., 1866 p. 19, Comp. 109, 110 (i), approved 1866 p. 81, Comp. 113.

8. Comm. Cond. M., 1863 p. 173, Comp. 94, 95, explaining Crane G. M., 1863 p. 18, Comp. 90, 91, who had decided that the demand might be made at any meeting.

9. Re Ballot on Objection to Advancement, 1938 p. 76, Comp. 1140, 1142, approved 1938 p. 145, Comp. 1140; Matter of Perseverance Lodge, 1946 p. 94, 97, approved 1946 p. 101, 103.

10. Matter of Perseverance Lodge, 1946 p. 94, 97, approved 1946 p. 101, 103.

While it has been said to be the uniform rule that if a rebalot be demanded at any time before membership in the Lodge has been consummated, its taking is obligatory¹¹ it has also been declared that following the receipt of the three degrees, a rebalot cannot be demanded to prevent the brother from consummating his membership in the Lodge by signing its by-laws.¹²

[§564] (II) **May Be Withdrawn Before Ballot.** A demand for a rebalot may be withdrawn at any time prior to the taking of the ballot.¹³

[§565] d. **Reballoting—(I) When Required—(A) After Acceptance and Before Initiation.** If, after a candidate has been accepted and before he has been initiated, a new ballot is demanded, it must be taken.¹⁴

[§566] (B) **After Initiation and Before Advancement.** If, after a brother has been initiated and before he has been passed, or after he has been passed and before he has been raised, a new ballot be demanded, it must be taken.¹⁵

[§567] (C) **After Acceptance of Affiliate and Before Signing By-Laws.** If, after a brother has been accepted for affiliation and before he has signed the by-laws, a new ballot be demanded, it must be taken.¹⁶

[§568] (D) **After Election to Honorary Membership.** Where a demand for a rebalot was made immediately following the Master's declaration upon a vote for honorary membership and before any assent or acceptance by the proposed honorary member, the demand was timely and the refusal of a rebalot was a violation of the rights of the demanding member.¹⁷

[§569] (II) **When Rebalot Taken—Stated or Special Communication.** If a ballot be demanded upon a candidate after he has been

11. Matter of Renaissance Lodge No. 1121, 1941 p. 121, *approved* 1942 p. 112, 117, Comp. 1176, 1177.

12. Re Croton Lodge No. 368, 1951 p. 21, *approved* 1951 p. 26.

13. Holmes G. M., 1866 p. 19, Comp. 109, 111 (vii), *approved* 1866 p. 81, Comp. 113.

14. Consts., §358; Matter of Renaissance Lodge, 1941 p. 121, *approved* 1942 p. 112, 117, Comp. 1176, 1177.

15. Consts., §358; Re Ballot on Objection to Advancement, 1938 p. 76, *approved* 1938 p. 145, Comp. 1140; Matter of Renaissance Lodge, 1941 p.

121, *approved* 1942 p. 112, 117, Comp. 1176, 1177.

16. Consts., §348; Matter of Renaissance Lodge, 1941 p. 121, *approved* 1942 p. 112, 117, Comp. 1176, 1177.

Under earlier Constitutions the rule was *contra*. King G. M., 1862 p. 28, Comp. 74, 87 (87), *approved* 1862 p. 206, Comp. 87, 89 (87), construing Constitutions of 1854, §25; Matter of Lafayette Lodge, 1910 p. 517, Comp. 817, 818, construing Constitution of 1896, §117.

17. Matter of Renaissance Lodge, 1941 p. 121, *approved* 1942 p. 112, 117, Comp. 1176, 1178.

accepted and before he has been initiated, it may be taken whether the demand be made at a Stated or a Special Communication, provided the Special Communication be one called for conferring the degree to which the candidate is entitled.¹⁸ This has been held to mean that a ballot may be demanded and if demanded must be taken upon the advancement of a brother from one degree to another at a Stated Communication other than one called for the conferring of the particular degree.¹⁹

[§570] (III) **Reballot How Taken.** A reballot is taken precisely like an original one. Every member of the Lodge who is present must vote.²⁰ The same rule of secrecy applies; the balloting cannot be held open or adjourned, taken "informally" or "collectively," or otherwise than finally or at any other time than when commenced and must be finished and the result declared, or a new ballot ordered before it is declared; and an unfavorable ballot cannot be reconsidered then, or at any other time.²¹

[§571] (IV) **Effect of Adverse Ballot—(A) On Petitioner for Initiation and Advancement—(I) Before Initiation.** If a ballot, taken on demand after a candidate has been accepted and before he has

18. Consts., §358.

Formerly, although it was held that when a demand for a reballot was made at a Stated Communication the Lodge could not lay the balloting over, but must proceed forthwith to ballot (Holmes G. M., 1866 p. 19, Comp. 109, 111 (vii), *approved* 1866 p. 81, Comp. 113), it was held that when the demand was made at a Special Communication the reballot must be taken at the next Stated Communication (Crane G. M., 1863 p. 18, Comp. 90, 91 (7), *approved* 1863 p. 173, 94, 95; Holmes G. M., 1866 p. 19, Comp. 109, 111 (vii), *approved* 1866 p. 81, Comp. 113).

At a later date, Grand Master Freifeld decided that, if a ballot be demanded upon a candidate after he has been accepted and before he has been initiated, it may be taken immediately before any members have left the room, whether the demand be made at a Special or Stated Communication,

provided the Special Communication be called for the purpose of conferring the degree to which the candidate is then entitled. Matter of Waverly Lodge, 1915 p. 220, Comp. 734, 740. Commenting on this decision, the Committee on Jurisprudence said (1916 p. 201, Comp. 788, 792-793): "Your Committee is mindful that this decision runs counter to what has been generally accepted as the law of the Craft. A close study of the Constitution, however, fails to convince that its provisions are clear upon this subject, wherefore, it seems to your Committee to be the part of wisdom to put an end to the doubt by constitutional amendment, for the reasons already assigned."

19. *Re Ballot on Objection to Advancement*, 1938 p. 76, *approved* 1938 p. 145, Comp. 1140.

20. Consts., §355.

21. Gibson G. M., 1869 p. 43, Comp. 133, 134.

been initiated, result in a rejection, it shall have the same effect as if it had occurred when such candidate was accepted.²²

[§572] (2) After Initiation—(a) Generally. If, after a brother has been initiated, any member shall demand a ballot upon his advancement and such ballot result in a rejection, the brother may be proposed for advancement at any subsequent Stated Communication of the Lodge.²³ The proposition must, however, lie over at least to the next Stated Communication²⁴ and a clear ballot must be had before the brother can be advanced²⁵ even though the brother who had demanded a rebalot had "removed his objection."²⁶ Such a new proposition may be made as often as the candidate may think proper,²⁷ but if additional rejections result, the new application may be laid over a longer time in the discretion of the Master.²⁸

[§573] (b) After Advancement Arrested for Six Months. Where a brother's advancement has been arrested by an adverse ballot for a period of six months, he may petition any other Lodge within this Grand Jurisdiction for the remaining degrees and for membership therein, but such petition shall take the usual course of petitions and if acted upon favorably requires a waiver of jurisdiction from the rejecting Lodge before the accepting Lodge may confer the degrees upon him.²⁹

[§574] (B) On Petitioner for Affiliation. If, after a brother has been accepted for affiliation and before he has signed the by-laws, a new ballot be taken and result in a rejection, it shall have the same effect as if it had occurred before such brother was accepted.³⁰

22. Consts., §358; Paige G. M., 1865 p. 24, Comp. 106, 108 (19), *approved* 1865 p. 195, Comp. 108; 1868 p. 44, Comp. 121, 123 (iv); In the Matter of Waverly Lodge, 1915 p. 220, Comp. 734, 740.

Effect of original rejection, see *supra*, §§555, 559.

Where, despite an adverse ballot, a candidate has been initiated, his advancement should be stayed for one year from the date of the adverse ballot and no further degree should be conferred upon him in the Lodge wrongfully initiating him, or in any other Lodge within this Jurisdiction, except upon a petition duly referred and upon a clear ballot. Suspension of Charter, 1911 p. 241, Comp. 526, 531.

23. Consts., §358; Simons G. M., 1861 p. 18, Comp. 64, 65 (10), who stated that the application should lie over at least two weeks in order that all the brothers may have an oppor-

tunity to exercise their right; King G. M., 1862 p. 18, Comp. 74, 75 (7), who reiterated that in such case the Master should direct the application to lie over at least two weeks; Thorne G. M., 1876 p. 29, Comp. 178, 180 (viii).

24. Consts., §358; Gibson G. M., 1869 p. 43, Comp. 133, 134; Thorne G. M., 1876 p. 29, Comp. 178, 180 (viii).

25. Consts., §358.

26. Thorne G. M., 1875 p. 30, Comp. 163, 165 (14), *approved* 1875 p. 231, Comp. 175.

27. Paige G. M., 1865 p. 24, Comp. 106, 108 (19), *approved* 1865 p. 195, Comp. 108.

28. Gibson G. M., 1869 p. 43, Comp. 133, 134.

29. Consts., §359.

30. Consts., §348.

Effect of rejection of petition for affiliation, see *supra*, §559.

[§575] 7. Signing By-Laws—a. Necessary to Consummate Membership. A brother becomes a member of a Lodge on signing its by-laws³¹ and they must be signed to consummate his membership therein whether by taking the degrees³² or by affiliation,³³ but he cannot be forced to sign them.³⁴ If he do not do so, he will be deemed non-affiliated.³⁵

[§576] b. Time for Signing By-Laws—(I) By Brother Receiving Degrees. The by-laws should be signed at the time of receiving the third degree³⁶ and a by-law purporting to require proficiency in the third degree before signing the Lodge by-laws is void.³⁷

[§577] (II) By Affiliating Brother—(A) When a Member of a Lodge—(1) Who Desires to Withdraw Therefrom. When an affiliating brother is a member of an existing chartered Lodge and desires to withdraw therefrom, he cannot sign the by-laws of the accepting Lodge until it shall receive a certificate that he has been regularly discharged from membership in the first mentioned Lodge.³⁸

[§578] (2) Who Desires to Retain Dual Membership. Upon his acceptance by a second Lodge, an affiliating brother, who, in his

31. 1849 p. 52, Comp. 24; Matter of Spiegel, 1910 p. 510, Comp. 307.

32. Consts., §§340, 341, 359; Holmes G. M., 1867 p. 22, Comp. 115, 116 (iv), approved 1867 p. 49, Comp. 118; Gibson G. M., 1870 p. 47, Comp. 154, 156; Matter of Dexter Lodge, 1942 p. 45, approved 1942 p. 119, Comp. 1193, holding void a contested election of officers in which five brothers who had received the third degree but had not signed the by-laws were permitted to vote.

An earlier Constitution provided (Constitution 1873, §54, Subs. 2) that membership in a Lodge was acquired by a brother "having been accepted by the Lodge as a candidate, and afterwards having received the third degree," though in a separate sentence it was made "his duty, immediately after receiving such degree, to sign the By-Laws of such Lodge." Under this provision it was ruled that a brother who had failed to sign the by-laws was subject to the charge of annual dues, adding "There remains, it is true, a duty enjoined upon the candidate, which is, that 'immediately on receiving such degrees to sign the By-laws of the Lodge.' This act completes the ties of membership, and forms part of it, being the execution of

the contract between him and the Lodge." Anthony G. M., 1881 p. 35, Comp. 211 (1).

33. Consts., §§341, 348; Gibson G. M., 1870 p. 47, Comp. 154, 156; Anthony G. M., 1881 p. 35, Comp. 211 (2). Cf., Comm. Cond. M., 1877 p. 70, Comp. 192; where, construing an earlier constitutional provision (Statutes 1873, §45), the Committee used the cryptic language: "Signing the By-laws, though necessary, is not, and, in the nature of things, cannot be indispensable."

34. Holmes G. M., 1867 p. 22, Comp. 115, 116 (iv), approved 1867 p. 49, Comp. 118; Gibson G. M., 1870 p. 45, Comp. 152, disapproving a by-law requiring every candidate to sign on being raised.

35. Consts., §341; Matter of Dexter Lodge, 1942 p. 45, approved 1942 p. 119, Comp. 1193.

Non-affiliated Mason defined, see *supra*, §16.

36. Consts., §§340, subs. 2, 3; 341. Sending to another Lodge for signature, see *infra*, §594.

37. Matter of Silver Lodge No. 757, 1950 p. 36, approved 1950 p. 83.

38. Consts., §348.

petition, has indicated that he desires to retain his membership in the Lodge of which he is then a member, shall become a member of such second Lodge on signing its by-laws; and certificate of his discharge from membership in another Lodge is dispensed with.³⁹

[§579] (B) When a Non-Affiliate.⁴⁰ No time is fixed by the Constitutions within which a non-affiliated Mason, elected to membership on his petition for affiliation, must sign the by-laws of the accepting Lodge. It cannot be, however, until he has produced a dimit or a certificate of the Grand Secretary showing his status as a non-affiliated Mason⁴¹ or until he has shown sufficient cause for the non-production of his dimit.⁴²

[§580] c. Manner of Signing By-Laws--(I) Should Be with Full Name. The Book of By-Laws should be signed with the brother's full name.⁴³

[§581] (II) By Attorney in Fact. A brother who fails to sign the by-laws of the Lodge having jurisdiction over him, after having received the third degree in such Lodge or by its request or consent in another Lodge, and who thereafter establishes his residence in another jurisdiction may sign such by-laws by a duly executed power of attorney to one of the elective officers of the Lodge.⁴⁴

[§582] d. Effect of Not Signing--(I) By Brother Receiving Degrees. Failure to sign the by-laws of the Lodge by which he has been accepted and by whose action or at whose request he has received the third degree makes the brother a non-affiliated Mason.⁴⁵

[§583] (II) By Affiliating Brother Who Desires Dual Membership. When a petitioner for affiliation, who is a member of another Lodge and has expressed a desire to retain membership therein, has been accepted, his failing to sign the by-laws of the accepting Lodge within three months after his election thereto shall void such election.⁴⁶

39. Consts., §348.

40. Non-affiliate defined, see *supra*, §16.

41. Consts., §348.

42. Crane G. M., 1863 p. 18, Comp. 90 (1), approved 1863 p. 173, Comp. 94; Paige G. M., 1864 p. 25, Comp. 98, 99 (8), approved 1864 p. 164, Comp. 105, holding that the inability of a brother to procure a dimit from a Lodge in one of the seceding states, during the Civil War, was not sufficient cause for the non-production of such certificate, but rather conclusive evidence that his former membership had not been honorably discharged and that the political condition of a state does not af-

fect the Masonic relations of a brother.

If an applicant 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. Thorne G. M., 1875 p. 30, Comp. 163 (8), approved 1875 p. 231, Comp. 175.

43. Consts., §341.

44. Consts., §341.

45. Consts., §§702, 340 subs. 2; Matter of Dexter Lodge, 1942 p. 45, approved 1942 p. 119, Comp. 1193.

46. Consts., §348.

Duty of Lodge Secretary in such case, see *infra*, §1028.

[§584] e. Effect of Objection to Signing of By-Laws. It has been said repeatedly that signing of the by-laws may be prevented by an objection to their signing which may be entertained whether the candidate has received the degrees⁴⁷ or has been elected for affiliation⁴⁸ and such objection has been said to prevent membership.⁴⁹ It would seem, however, that this could be so only when the objection is followed by an adverse rebalot⁵⁰ which is presently held to be not permissible.⁵¹

[§585] F. Duties, Powers and Privileges—1. Of Chartered Lodge —a. Generally—(I) Rule Stated. Once chartered, the life of a Lodge is indefinite and it is subject to all the obligations and entitled to all the rights and privileges attaching to every other chartered Lodge.⁵² These are such as are defined in its charter,⁵³ by the Constitutions and by the Ancient Landmarks⁵⁴ and any plan, the practical effect of which is to involve the Lodge, or its officers, in a non-masonic business operation, is definitely objectionable as alien to the purposes of the Craft.⁵⁵ It is of great importance that the activities of Lodges should be confined within the limits of the Constitutions and of their charters, in order that they may justly be exempted from the tax on admissions and dues prescribed by the United States Income Tax Law. It was by ruling of the Commission of Internal Revenue of the date of February 14, 1918, that Masonic lodges and Grand Lodge were held to be exempt under Section 701 relating to tax on initiation fees and dues.⁵⁶

Its right to legislate with respect to its internal affairs in a manner not inconsistent with these is well recognized;⁵⁷ but, except as the same may be authorized by Grand Lodge, no enactment by a Lodge can operate to expand or diminish the rights and privileges or the duties and obligations common to the Craft within the jurisdiction

47. Holmes G. M., 1867 p. 22, Comp. 115, 116 (iv), approved 1867 p. 49, Comp. 118; Gibson G. M., 1870 p. 45, Comp. 152; Gibson G. M., 1870 p. 47, Comp. 154, 156.

48. Gibson G. M., 1870 p. 47, Comp. 154, 156.

49. Gibson G. M., 1870 p. 47, Comp. 154, 156.

50. See *supra*, §§560-574, where the matter of objection and rebalotting is discussed.

51. Re Croton Lodge No. 368, 1951 p. 21, approved 1951 p. 26.

52. Re Manner of Installation, etc., 1941 p. 123, approved 1942 p. 114, 117, Comp. 1180, 1181.

Consolidation of Lodges, see *infra*, §880.

Dissolution of Lodge, see *infra*, §881.

53. Consts., §301; Matter of Kingston Lodge, 1921 p. 106, Comp. 837, approved 1922 p. 209, Comp. 867.

54. Consts., §301.

55. Matter of Forest Lodge No. 166, 1947 p. 36, approved 1947 p. 154, in this case a group insurance plan; Re Frederik Lodge No. 857, 1951 p. 24, approved 1951 p. 26, a non-masonic charitable organization.

56. Matter of Kingston Lodge No. 10, 1921 p. 106, Comp. 837, approved 1922 p. 209, Comp. 867.

57. In the Matter of King Solomon Lodge, 1932 p. 157, 162, approved 1933 p. 179, Comp. 1081, 1090.

and existing by virtue of the Ancient Landmarks or under any law of Grand Lodge, whether written or defined by its usage and custom.⁵⁸ Its proceedings are of two kinds—one relating to business of a general character in which the Lodge assumes the nature of a voluntary association of men, the other relating to its Masonic labor.⁵⁹ Its ordinary business problems it must solve for itself.⁶⁰

[§586] (II) Abating, Suspending or Terminating Lodge Membership. Since the Constitutions regulate a brother's relation to the Lodge and to the Craft, a by-law is void which provides any other method of abating, suspending or otherwise terminating membership in a Lodge than therein provided,⁶¹ viz., by dimitting,⁶² by unaffiliation for non-payment of dues,⁶³ by dissolution of the Lodge,⁶⁴ by suspension or expulsion⁶⁵ or by joining in a petition for a dispensation to form a new Lodge.⁶⁶ Within this rule a by-law is void which provides for the automatic unaffiliation of a member in arrears for dues;⁶⁷ which provides that the "name of a life member out of communication with the Lodge for a period of fifteen years shall be dropped from the membership rolls, but shall be reinstated if such member is subsequently heard from";⁶⁸ which provides that one entering the Lodge "disguised in liquor" shall be suspended without trial,⁶⁹ or which provides that a brother may be suspended without

58. Mollenhauer G. M., 1933 p. 180, approved 1933 p. 180, Comp. 1110.

59. Matter of Lafayette Lodge, 1910 p. 517, Comp. 317, 320, quoting Mackey's Treatise on Masonic Jurisprudence p. 143 *et seq.*

60. In the Matter of Plattsburgh Lodge, 1913 p. 254, Comp. 629, 636-637, holding that the Grand Master gives no official opinion as to them or as to the legality of proceedings under a state law.

Duty of Grand Master as to advice on non-Masonic matters, see *supra*, §186.

Duty of District Deputy Grand Master as to advice on non-Masonic matters, see *supra*, §312.

61. Matter of Kane Lodge, 1914 p. 187, Comp. 679, 683. See also Gibson G. M., 1870 p. 30, Comp. 144, 146.

62. King G. M., 1862 p. 28, Comp. 74, 86 (85); Matter of Kane Lodge, 1914 p. 187, Comp. 679, 681.

Dimitting, see *infra*, §§660-670.

63. King G. M., 1862 p. 28, Comp.

74, 86 (85); Matter of Kane Lodge, 1914 p. 187, Comp. 679, 681.

Unaffiliation, see *infra*, §§684-692.

64. King G. M. 1862 p. 28, Comp. 74, 86 (85).

Dissolution of Lodge, see *infra*, §§882-886.

65. King G. M., 1862 p. 28, Comp. 74, 86 (85); Matter of Kane Lodge, 1914 p. 187, Comp. 679, 683.

Expulsion, see *infra*, §1398.

Suspension, see *infra*, §§1395-1397.

66. Matter of Kane Lodge, 1914 p. 187, Comp. 679, 681.

67. 1859 p. 258, Comp. 60, 61; In the Matter of Archimede Lodge, 1933 p. 114, approved 1933 p. 180, Comp. 1106, 1109; Matter of Highland Lodge, 1941 p. 115, approved 1942 p. 113, 117, Comp. 1170. See also King G. M., 1862 p. 28, Comp. 74, 86 (80, 81) and Gibson G. M., 1870 p. 45, Comp. 152, to the effect that a Lodge has no power to suspend a member for non-payment of dues.

68. Matter of Kane Lodge, 1914 p. 187, Comp. 679.

69. Gibson G. M., 1870 p. 45, Comp. 152.

trial for failing to pay over Lodge funds.⁷⁰ So the expulsion of a brother by resolution without trial, is void.⁷¹

[§587] (III) Advancing Candidates⁷²—(A) Not Compulsory. A Lodge may withhold the second or third degree where it deems that the welfare and best interests of the Lodge or the Craft at large require it.⁷³

[§588] (B) Investigating Committee. On an application for advancement in the same Lodge, no Investigating Committee is necessary, unless required by the by-laws or by resolution. If made in another Lodge than that in which the candidate was initiated, a Committee must be appointed to act.⁷⁴

[§589] (C) Interval Between Degrees. Except by dispensation of the Grand Master,⁷⁵ a Lodge shall not confer the second or third degree on the same candidate at a less interval than two weeks from the time of conferring the preceding degree.⁷⁶

[§590] (D) Proof of Proficiency in Preceding Degree—(1) Required. A brother shall not be passed to the degree of Fellow Craft, or raised to the degree of Master Mason, without proof of suitable proficiency in the preceding degree.⁷⁷

[§591] (2) Proficiency How Acquired. While it is the prerogative of the Master to determine the manner of ascertaining whether the brother possesses proficiency in the preceding degree,⁷⁸ the manner of its acquisition may be governed by the Lodge as by requiring attendance on a course of lectures based on the Lodge System of Masonic Instruction.⁷⁹

[§592] (3) Proficiency How Ascertained. Proof of proficiency in a preceding degree shall be ascertained from an examination in open Lodge or by a committee appointed for that purpose and no other avouchment shall be sufficient,⁸⁰ it being the prerogative of the Master to determine which method shall be employed.⁸¹

[§593] (E) Procuring Advancement in Another Lodge—(1) How Accomplished. A Lodge, by its direction in writing, over its seal and

70. Gibson G. M., 1870 p. 45, Comp. 152.

71. Lewis G. M., 1859 p. 28, Comp. 56 (4).

72. Jurisdiction over candidates for advancement, see *supra*, §§478-483.

Conferring degrees, see *infra*, §§635-645.

73. Comm. J., 1879 p. 100, Comp. 202.

Objection to advancement and re-balloting, see *supra*, §§560-574.

74. King G. M., 1862 p. 28, Comp. 74, 75 (5).

Dispensation to decrease interval, see *supra*, §190.

76. Consts., §362.

77. Consts., §363.

78. See next section.

79. Brown G. M., 1946 p. 81 (11), approved 1946 p. 101, 103.

80. Consts., §363.

81. Brown G. M., 1946 p. 81 (11), approved 1946 p. 101, 103.

accompanied by a certificate of the Grand Secretary under the seal of the Grand Lodge to the effect that such Lodge is a duly chartered Lodge of this jurisdiction, may procure the advancement of a brother in another Lodge than that having jurisdiction over him.⁸² If a ballot be demanded upon such resolution, it must be taken and spread and a clear ballot had before the brother may be advanced, either in the home Lodge or elsewhere. If no ballot be demanded, the resolution may be adopted by show of hands and by a majority vote.⁸³

[§594] (2) **Sending By-Laws for Signature.** When a degree is to be conferred in a foreign Lodge, it is proper to send to the foreign jurisdiction a copy of the by-laws, which can be signed by the brother. An additional signature, upon a slip of paper, should be returned to be pasted in the regular Book of By-Laws.⁸⁴

[§595] (IV) **Appeal.** A Lodge, when a party to a Masonic trial, has the right of appeal.⁸⁵

[§596] (V) **Attesting Written Communications.** A Lodge sending written communications to the Grand Master must attest them with the Lodge seal.⁸⁶

[§597] (VI) **Books to be Kept by Lodge—(A) Enumerated—(1) Book of By-Laws.** Every Lodge shall keep a Book of By-Laws with the signatures of the members.⁸⁷

[§598] (2) **Constitutions of Grand Lodge.** Every Lodge shall keep a copy of the Constitutions of Grand Lodge.⁸⁸

[§599] (3) **Financial Records.** Each Lodge must keep such books as may be necessary to present clearly the receipts and accounts of the Treasurer and Secretary.⁸⁹

[§600] (4) **Proceedings of Grand Lodge.** It is the duty of a Lodge to preserve in its archives copies of the Proceedings of Grand Lodge as published from year to year.⁹⁰

[§601] (5) **Record Book.** Every Lodge shall keep a Record Book of the proceedings of the Lodge.⁹¹

82. Consts., §364; Matter of Spiegel, 1910 p. 510, Comp. 307.

83. Matter of Spiegel, 1910 p. 510, Comp. 307.

84. Matter of Spiegel, 1910 p. 510, Comp. 307.

85. Code P., §404

Appeals, see *infra*, §§1439-1490.

86. Gibson G. M., 1870 p. 47, Comp. 154, 156, stating that, if it has none, one must be obtained immediately.

87. Consts., §320, subs. 2; In the

Matter of Rockaway Lodge, 1948 p. 103.

88. Consts., §320, subs. 1.

Constitutions include what, see *supra*, §25.

89. Consts., §320, subs. 6.

90. Consts., §321.

91. Consts., §320, subs. 3.

Keeping minutes, see *infra*, §§788-798.

Duty of Lodge Secretary, see *infra*, §1031.

[§602] (6) **Record of Expulsions, Suspensions and Rejections.** Each Lodge must keep a book containing an alphabetical list of expulsions, suspensions and rejections.⁹²

[§603] (7) **Register.** A Lodge must keep a Register containing the name of each brother initiated in, or affiliated with, the Lodge, consecutively numbered, his Grand Lodge number, his age, occupation, nativity and residence, with 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.⁹³

[§604] (8) **Visitors' Book.** It has been recommended that every Lodge keep a Visitors' Book, in which it shall require every visitor to sign his name, the Lodge and locality whence he hails and the date of his visit; such particulars to be taken before the visitor shall enter the Lodge-room.⁹⁴

[§605] (B) **Preservation of Lodge Records.** No Lodge and no officer or member thereof shall destroy or, except as otherwise provided in the Constitutions, transfer the ownership or custody of the permanent records without the approval thereof by a two-thirds vote of the members present taken at a regular Communication of the Lodge and the consent in writing of the Grand Master.⁹⁵

[§606] (VII) **By-Laws—(A) Authorized—(1) Generally.** A Lodge has full power and authority to enact by-laws for its own government.⁹⁶

[§607] (2) **In Foreign Language.** Grand Lodge has permitted Lodges working in a foreign language to print their by-laws in such foreign language, but has directed that they also be printed in the English tongue on counterpart pages.⁹⁷

[§608] (B) **Requisites.** By-laws must be reasonable and equitable⁹⁸ and any by-law inconsistent with the Constitutions of Grand Lodge and/or the principles of Masonry is void.⁹⁹

[§609] (C) **Submission to Grand Lodge for Approval.** While, except in the case of a new Lodge, there is no constitutional requirement that proposed by-laws be submitted to Grand Lodge for ap-

92. Consts., §320, subs. 5; In the Matter of Rockaway Lodge, 1948 p. 103.

93. Consts., §320, subs. 4; In the Matter of Rockaway Lodge, 1948 p. 103.

94. Comm. G. R., 1857 pp. 107-114, Comp. 32, 37 (19).

95. Consts., §321.

96. Consts., §319.

97. Comm. Cond. M., 1857 p. 165, 167, Comp. 44, 45.

98. Matter of Richmond Lodge, 1913 p. 247, Comp. 619, 623.

99. Consts., §319; Matter of Richmond Lodge, 1913 p. 247, Comp. 619, 623; Mollenhauer G. M., 1933 p. 180, approved 1933 p. 180, Comp. 1110.

Principles of Masonry equivalent to public policy in secular legislation. Matter of Richmond Lodge No. 66, 1913 p. 247, Comp. 619, 623.

proval, the procedure seems to be wise and the custom of so doing has become prevalent.¹

[\$610] (D) Effect—(1) Constitute Governing Rules of Lodge. The by-laws of a Lodge are in the nature of a contract between the Lodge and its individual members² and, when not in conflict with the Constitutions, constitute the governing rules of the Lodge until changed by the Lodge itself or until modified or revoked by Grand Lodge³ and prevail over a motion or resolution with which they conflict.⁴

[\$611] (2) By-Laws How Construed. By-laws are to be construed as valid where this can be done without violence to the intent of the Lodge and the language of the by-law⁵ and it is not proper to read into a by-law a word not necessarily part of the context and which will add an element not necessarily within the intent of the section.⁶ The Lodge must be assumed to have used words advisedly and with knowledge of their meaning.⁷

[\$612] (E) By-Laws How Amended—(1) Rule Stated. The procedure necessary to be followed in the adoption of an amendment to the by-laws of a Lodge is to be ascertained from the by-laws themselves.⁸ So where the by-laws require an amendment to be passed at two successive Annual Communications, such provision cannot be waived merely by the unanimous consent of the members present at an Annual Communication, so as to enable an amendment to be finally adopted at such single Communication.⁹ Where the by-laws do not require that a proposed amendment shall be acted upon at a summoned Communication of the Lodge and require merely that due notice of the proposed action shall be given, action need not be taken at a summoned Communication.¹⁰ When a proposition to amend is lawfully before the Lodge, the proposed amendment may be modified in any particular not in conflict with the general intent of the amend-

1. Matter of Whiteface Lodge, 1947 p. 35, *approved* 1947 p. 154.

2. Klinck G. M., 1938 p. 71, 73, *approved* 1938 p. 147, Comp. 1137.

3. King G. M., 1862 p. 28, Comp. 74, 82 (51).

4. Matter of Richmond Lodge, 1913 p. 247, Comp. 619, 626.

5. Matter of Auburn Lodge, 1914 p. 190, Comp. 683.

6. In the Matter of Pacific Lodge, 1913 p. 234, Comp. 601, 604.

7. In the Matter of Pacific Lodge, 1913 p. 234, Comp. 601, 604; In the Matter of Adelphi Lodge, 1913 p. 260, Comp. 638.

8. Matter of Pacific Lodge, 1916 p.

177, Comp. 769, *approved* 1917 p. 236, Comp. 806, 808 (5); In the Matter of Mount Neboh Lodge, 1931, p. 138, Comp. 1021, *approved* 1931 p. 217, Comp. 1049.

A valid by-law providing a method of amendment is found in full in Matter of Audubon Lodge No. 930, 1916 p. 180, Comp. 774.

9. Comm. J., 1917 p. 236, Comp. 806, 808 (5), *approving* Matter of Pacific Lodge No. 233, 1916 p. 177, Comp. 769.

10. In the Matter of Mount Neboh Lodge No. 257, 1931 p. 138, Comp. 1021, *approved* 1931 p. 217, Comp. 1049.

ment and, as so amended, may be acted upon at the Communication at which the original amendment is being duly considered.¹¹

[§613] (2) Form of Notice. Notice of a Communication to act on a proposed change in Lodge by-laws may be in the following form:¹²

Bro. *John Doe*

You are hereby notified¹³ to attend the Stated Communication of *Standard Lodge, No. 2000*, to be held in its Lodge-room at *Freetown* on the *16th* day of *February, 1951*, at *8 P.M.*, for the purpose of acting on the following proposition to amend the by-laws:

Art. 1, Sec. 2. "The stated communications of this Lodge shall be held on the second and fourth Mondays."

By order of

John Master, Master.

(SEAL) *James Clerk, Secretary.*

[§614] (F) By-Laws How Suspended. A Lodge by-law may be suspended only in the manner prescribed therein.¹⁴

[§615] (VIII) Certifying to Proficiency of Proposed Officers of New Lodge.¹⁵ A Lodge may certify to the proficiency of the officers of a Lodge under dispensation and, for this purpose, should cause them to come before it and, in open Lodge, satisfactorily exemplify the work and lectures in the first three degrees.¹⁶

[§616] (IX) Challenging Trial Commissioners. When a party to a Masonic trial, a Lodge has the same right as an individual to challenge the Trial Commissioners, a matter fully discussed elsewhere.¹⁷

[§617] (X) Changing Duties of Constitutional Officer. A Lodge may not divest one of its constitutional officers of his duties and turn them over to an outside agency or to one other than a member of the Lodge.¹⁸

[§618] (XI) Changing Manner of Electing Candidates¹⁹—(A) In

11. Thorne G. M., 1876 p. 29, Comp. 178, 179 (vi); In the Matter of By-law Amendment, 1913 p. 240, Comp. 609, 612; Matter of Advance Lodge, 1945 p. 52, approved 1945 p. 79.

12. Consts., p. 120 (10).

13. If the Lodge must be summoned, substitute the word "summoned."

14. Matter of Transportaton Lodge, 1945 p. 51, approved 1945 p. 79.

15. Necessity for certificate, see *supra*, §428.

16. Comm. Gen. R., 1857 pp. 107-114, Comp. 32, 41 (39).

17. See *infra*, §§1276-1290.

18. Owens G. M., 1936 p. 54, 55, approved 1936 p. 127, Comp. 1118, ruling that though a Lodge Secretary may avail himself of such clerical assistance as he may desire he may not divest himself of the responsibilities of his office.

19. Membership how acquired, see *supra*, §§485-584.

Changing manner of election an offense, see *infra*, §1183.

General. A by-law which attempts to change the manner of electing candidates is void.²⁰

[§619] (B) **Notice of Intention to Propose.** No provision is made in the Constitutions for a "notice of intention to propose" a candidate.²¹ If such a notice is to be sent after a petition has been formally received by a Lodge it is commendable. If, however, it is to be sent before such receipt in the nature of a trial balloon in order to permit a withdrawal of the petition where adverse action may be expected it is not approved.²²

[§620] (C) **Membership Committee.** A by-law providing for a Membership Committee, if it is not intended as a substitute for an Investigating Committee, is unobjectionable,²³ but if such committee is to exercise the functions of an Investigating Committee²⁴ or if petitions must be referred to it before they are regularly presented to the Lodge²⁵ it is void.

[§621] (XIII) **Circulars or Appeals to Other Lodges or Their Members.** No circular or appeal to other Lodges or members thereof for donations or for any purpose whatever shall be issued unless the same shall have been officially approved by the Grand Master.²⁶

[§622] (XIII) **Communications**²⁷—(A) **How Frequently Permitted.** Except that every Lodge is required to hold a communication at least once in each year,²⁸ a Lodge may meet for general or business purposes as frequently as it may desire.²⁹

[§623] (B) **Communications When and Where Held**—(1) **Stated Communications**—(a) **General Rule.** Stated Communications must

20. Gibson G. M., 1870 p. 45, Comp. 152, a by-law providing for merely handing in the name of a candidate, report by a committee and ballot thereon.

21. Matter of Benevolent Lodge, 1936 p. 59, 62, approved 1936 p. 128, Comp. 1123; Matter of Antiquity Lodge, 1945 p. 57, approved 1945 p. 79.

22. Matter of Antiquity Lodge, 1945 p. 57, approved 1945 p. 79.

23. Matter of Antiquity Lodge, 1945 p. 57, approved 1945 p. 79.

24. Matter of Antiquity Lodge, 1945 p. 57, approved 1945 p. 79; Matter of Nathan Hale Lodge No. 1006, 1943 p. 52.

25. Matter of Henry Clay Lodge, 1917 p. 99, Comp. 797; Matter of Antiquity Lodge, 1945 p. 57, approved 1945 p. 79.

26. Consts., §501; Matter of An-

draws, 1911 p. 237, Comp. 521, to erect at the Home in Utica a memorial to a deceased brother; Matter of Greenbush Lodge, 1911 p. 238, Comp. 522, to sell tickets and solicit donations for a Lodge Fair.

Not Applicable to Oral Solicitation.—These two decisions construed section 11 of the Regulations of 1909, which was identical in language with section 501 of the Constitutions, and in each it was pointed out that the prohibition did not apply to oral appeals.

27. Stated and special communications defined, see *supra*, §22.

28. Consts., §324.

29. Turner G. M., 1942 p. 44, approved 1942 p. 118, Comp. 1192.

Limitation as to conferring degrees, see *infra*, §640.

be held at the time fixed by the Lodge by-laws, which should include the hour of the day as well as the day of the week,³⁰ and, except on Sundays,³¹ a Lodge can meet at any hour of the day or on any day of the week.³²

[§624] (b) **Permitting Opening at Earlier Hour.** A Lodge by-law while fixing the hour of Communications may also provide that, at the determination of the Master and with limitations as to the business to be transacted prior to the regular hour, the Lodge may be opened at an earlier hour, the entire meeting, including the added time, constituting a Stated Communication.³³

[§625] (c) **Permitting Closing Between Certain Dates.** A by-law may authorize the Master, in his discretion, to close the Lodge between certain dates.³⁴

[§626] (d) **Legal Holidays.** Where the Lodge by-laws make no provision for omitting a communication which falls on a legal holiday, the Master is powerless to call off such communication and the Lodge must meet.³⁵

[§627] (2) **Special Communications—(a) General Rule.** Special Communications may be held at any hour of the day and on any day of the week provided they be regularly called.³⁶ Reasonable notice of a Special Communication must be given to each member of the Lodge and this, in addition to giving the time and place of holding the Communication, should set forth the particular purpose for which it is called.³⁷

30. Richardson G. M., 1927 p. 132, Comp. 892 (5); *approved* 1927 p. 245, Comp. 897; Covenant Lodge, 1944 p. 40, 48, *approved* 1944 p. 82, holding that the words "unless otherwise ordered" at the end of a by-law fixing the hour and days on which Stated Communications are to be held do not authorize the Master to call a Stated Communication for a time other than that set forth in the by-law; Comm. J., 1944 p. 81, *approving* Centennial Lodge, 1944 p. 40, 41, declaring that a by-law seeking to permit the Master to call a Stated Communication at his will is illegal.

31. See *infra*, §628.

32. Richardson G. M., 1927 p. 132, Comp. 892 (5), *approved* 1927 p. 245, Comp. 897.

33. Matter of Mount Nebob Lodge, 1948 p. 13, *approved* 1948 p. 73.

34. Paige G. M., 1865 p. 24, Comp. 106 (1), *approved* 1865 p. 195, Comp. 108, deciding that, where the Master had closed the Lodge accordingly, any Communication called by him in the interim was a Special Communication.

35. Matter of Whiteface Mountain Lodge, 1947 p. 35, *approved* 1947 p. 154, holding that if it chance that the date is for the constitutional installation of officers and no meeting is held these can be installed only under dispensation from the Grand Master.

36. Richardson G. M., 1927 p. 132, Comp. 892 (5), *approved* 1927 p. 245, Comp. 897.

37. Re Sufficiency of Notice, etc., 1937 p. 80, *approved* 1937 p. 155, Comp. 1133, 1134, holding insufficient a notice "for the purpose of transacting such business as may be brought before it."

[§628] (b) On Sunday. No Lodge shall meet on Sunday for Masonic labor³⁸ other than the obsequies of a Mason.³⁹

[§629] (C) Charter Must Be Present. The charter should be physically present in the Lodge-room at the opening of each Communication subject to inspection by all entitled thereto.⁴⁰

[§630] (D) Presence of Master or a Warden. Except where all three offices have become vacant⁴¹ and that the Grand Master has power to convene any Lodge and preside therein,⁴² the Book of Constitutions provides that a Lodge cannot be legally opened in the absence of the Master and both Wardens.⁴³ Their power does not revert to the last or any other Past Master, nor can the Lodge supply their places,⁴⁴ and even where all are absent on military service there is no authority for any other member of the Lodge, as such, to act in their place.⁴⁵ It has been held, however, that the Grand Master may select any delegate of his choice, as for example one of the Lodge's Past Masters, to convene and open the Lodge and to preside therein.⁴⁶ Where a Lodge has been illegally opened by a Past Master, the subsequent entry of the Master or a Warden will not validate the proceeding. To transact business of any kind the Lodge must be again and regularly opened.⁴⁷

[§631] (E) Presence of Foreign Flag. The habitual display of a foreign flag in the Lodge is improper as in some degree contrary to the teaching of loyalty to country.⁴⁸

38. Consts., §503; King G. M., 1862 p. 28, Comp. 74, 83 (64); Richardson G. M., 1927 p. 132, Comp. 892 (5), approved 1927 p. 245, Comp. 897.

39. Consts., §503; Richardson G. M., 1927 p. 132, Comp. 892 (5), approved 1927 p. 245, Comp. 897.

40. Matter of Mt. Vernon Lodge of Java, 1910 p. 571, Comp. 391, 394, holding, however, that since the Lodge had alternate meeting-places and in view of the fact that the charter was in existence and its presence in the room in which the election was held could have been obtained, although it might have been inconvenient to send to the other Lodge-room for it, it was constructively in the possession of the Master, and in view of the further fact that the Grand Master's dispensation to hold meetings in the room where the election was held was present, the unintentional neglect of the Master to have the charter present was not sufficient to invalidate an election which

was held under the mandate of the Constitution.

41. See *infra*, §939.

42. Consts., §113, subs. 4.

43. Consts., §310; Richardson G. M., 1928 p. 211 (4), Comp. 910, approved 1928 p. 229, Comp. 910.

44. Simons G. M., 1861 p. 18, Comp. 64, 66 (25).

45. Matter of Suburban Lodge, 1942 p. 56, 57, approved 1942 p. 119, Comp. 1209.

46. Comm. J., 1895 p. 206, Comp. 230; Matter of Suburban Lodge, 1942 p. 56, 57, approved 1942 p. 119, Comp. 1209, 1211.

47. Thorne G. M., 1875 p. 30, Comp. 163, 169 (39), approved 1875 p. 231, Comp. 175, holding that a third degree conferred under such circumstances was illegal and must be conferred again.

48. Re Habitual Display of Foreign Flag, etc., 1947 p. 36, approved 1947 p. 154.

[§632] (F) Business Transactable—(1) At Stated Communication. At Stated Communications, the ordinary regular business of the Lodge necessary or incidental to its purposes may be transacted.⁴⁹

[§633] (2) At Special Communication. At a Special Communication, no business may be legally transacted which is not specifically stated in the notice thereof.⁵⁰

[§634] (G) Communications Open and Close on Third Degree. Every Communication of a Lodge, whether Stated or Special, must be opened and closed on the third degree⁵¹ and it is irregular to call a Lodge from labor to refreshment from one day to another.⁵²

[§635] (XIV) Conferring Degrees⁵³—(A) Should Be in a Regular Lodge-Room. A Lodge cannot legally confer degrees outside a regular lodge-room except under authority of a dispensation.⁵⁴

[§636] (B) Should Be Completed at Single Communication. As a matter of policy and practice and in the absence of an emergency, such as a blackout, fire or illness, a degree should be conferred completely at a single Communication.⁵⁵

[§637] (C) May Be at Special Communication. A Lodge may confer one degree at its Stated Communication and the same or another degree at a Special Communication on another night,⁵⁶ subject to the limitation considered in a later section.⁵⁷

[§638] (D) Number of Candidates at One Time.—(1) Rule Stated.

49. Re Sufficiency of Notice, etc., 1937 p. 80, *approved* 1937 p. 155, Comp. 1133, 1134.

50. Re Sufficiency of Notice, etc., 1937 p. 80, *approved* 1937 p. 155, Comp. 1133, 1134, holding that a notice for a Special Communication "for the purpose of transacting such business as may be brought before it" is insufficient.

51. Consts., §325.

The language of this section first appeared in section 54 of the Constitution of 1909. Prior to that time it had been declared that Special Communications for work and instruction only need not be opened on the third degree unless the work required it. Paige G. M., 1864 p. 25, Comp. 98, 100 (12), *approved* 1864 p. 164, Comp. 105.

52. Paige G. M., 1864 p. 25, Comp. 98, 100 (14), *approved* 1864 p. 164, Comp. 105.

53. Advancing candidates, see *supra*, §§587-594.

54. Comm. J., 1903 p. 226, Comp. 243. See also *supra*, §189.

55. Froessel G. M., 1945 p. 63, *approved* 1945 p. 79.

56. Matter of Pacific Lodge, 1910 p. 544, Comp. 354, at which time the Constitution of 1896 (§121) contained no limitation as to the time within which degrees might be conferred.

57. See *infra*, §640.

Except upon dispensation from the Grand Master, no Lodge shall confer any degree on more than five candidates at a time.⁵⁸

[§639] (2) Applies to Two Lodges. When a Lodge is to confer a degree on five candidates at its own Communication, it may not evade the rule stated in the preceding section by requesting a sister Lodge to confer the same degree on the same day upon a candidate for that degree in excess of the five.⁵⁹

[§640] (E) Number of Degrees in Given Period of Time. No Lodge may confer more than one degree within any seven consecutive days.⁶⁰

[§641] (F) Who May Perform Work—(1) Rule Stated. It is not required that the regular officers of the Lodge shall fill their regular stations at all times in the conferring of degrees. Any of these may be filled by any Master Mason, whether he is a member of the Lodge or not.⁶¹

[§642] (2) Limiting Work to Particular Group Illegal. Since the regulation of labor is the Master's prerogative,⁶² a by-law is void which undertakes to prohibit any brother except a present or past Master from occupying any station in the exemplification of the third degree.⁶³

58. Consts., §361; Gibson G. M., 1870 p. 47, Comp. 154, 155, ruling that more than five candidates cannot be passed or raised at the same Communication.

Under an earlier provision (Constitution 1854, §22) which read that a "Lodge has power to make but five new brethren at the same time," Paige G. M., 1864 p. 25, Comp. 98, 100 (15), ruled that the words "the same time" evidently meant at the same Communication and deemed it improper to pass or raise more than five at the same communication. This was reversed by Comm. J., 1864 p. 164, Comp. 105, declaring that the words "the same time" must be construed to mean "on the same day" and that the limitation applied only to the first degree. The following year the section was amended by striking out the last nine words and substituting the words "initiate, pass, or raise but five candidates at the same Communication." 1865 p. 44.

59. Matter of Pacific Lodge, 1910 p. 544, Comp. 354.

60. Consts., §361; Turner G. M., 1942 p. 44, approved 1942 p. 118, Comp. 1192.

This limitation resulted from an amendment of the section in 1939, 1939 pp. 128-129. But an order of Richardson G. M., in October 1926 had resulted in a ruling that, except upon dispensation of the Grand Master, no Special Communication for the conferring of degrees shall be held at a lesser interval than one week passing between it and the last previous Stated Communication or less than one week from the next following Stated Communication. Klinck G. M., 1938 p. 77, approved 1938 p. 145 Comp. 1142 1146.

61. Richardson G. M., 1928 p. 211, Comp. 910, approved 1928 p. 229, Comp. 916.

62. See *infra*, §§980-981.

63. Matter of Citizens Lodge, 1948 p. 44, approved 1948 p. 73.

[§643] (3) Visitors from Other Jurisdictions. Members of a Lodge from another jurisdiction may perform actual work, but only in accordance with standard New York ritual.⁶⁴

[§644] (4) Lodge in Another Jurisdiction. A Lodge without the jurisdiction may make a Mason of one duly accepted by a Lodge within the jurisdiction, upon lawful Masonic information, or may finish the work of such Lodge in like manner.⁶⁵

[§645] (G) Use of Koran. A Mohammedan may and should be obligated on the Koran, but the Bible must also be present.⁶⁶

[§646] (XV) Conferring Title of Honorary Master Not Permitted. A Lodge cannot confer the title of Honorary Master upon any member thereof.⁶⁷

[§647] (XVI) Creating Different Classes of Members—(A) Associate Members. Except in the case of a Lodge formed for the purpose of study and research,⁶⁸ a Lodge may not provide for associate membership.⁶⁹

[§648] (B) Honorary Members.⁷⁰ A Lodge at a Stated Communication and by unanimous ballot, upon a proposition received at a previous Stated Communication, may confer honorary membership upon any Master Mason who, at that time, shall be a member in good standing of some Lodge,⁷¹ meaning some other Lodge,⁷² and a by-law attempting to make honorary members of members of the Lodge is invalid.⁷³

To consummate honorary membership, some overt act on the part of the proposed honorary member indicating his acceptance of the proffered relationship is requisite and until this is performed by the proposed member himself the relationship is not established.⁷⁴

64. Matter of Ivy Lodge, 1949 p. 25, approved 1949 p. 35, also holding that they may give an exemplification of their own work on a dummy candidate and that in neither case is a dispensation necessary or procurable.

65. Comm. Cond. M., 1864 p. 136, Comp. 102, 103 (2).

66. Brown G. M., 1947 p. 50, approved 1947 p. 154.

67. Matter of Guiding Star Lodge, 1910 p. 501, Comp. 295; Matter of King Solomon's Lodge, 1918 p. 133, Comp. 813.

68. See *infra*, §867.

69. Matter of Winyah Lodge, 1917 p. 99, Comp. 796, approved 1918 p. 268, Comp. 812.

70. Rights of Honorary Members, see *infra*, §1097.

71. Consts., §350; Matter of Guiding Star Lodge, 1910 p. 501, Comp. 295.

Under an earlier ruling a non-affiliated Mason seeking to form a connection with some Lodge was also eligible. King G. M., 1862 p. 28, Comp. 74, 78 (28). At that time section 50 of the Constitution of 1854 provided for the election as an "honorary member" of a "poor brother, unable to pay the adjoining fee."

72. Consts., §351; Thorne G. M., 1875 p. 30, Comp. 163, 172 (52), approved 1875 p. 231, Comp. 175.

73. Matter of Theresa Lodge, 1919 p. 106, Comp. 815, approved 1920 p. 160, Comp. 834, 835 (5).

74. Matter of Renaissance Lodge, 1941 p. 121, approved 1942 p. 112, 117, Comp. 1176, 1177.

[§649] (C) Life and/or Privileged Members⁷⁵—(1) Rule Stated. Subject to the constitutional limitation elsewhere noted,⁷⁶ a Lodge in its by-laws may, upon such terms or otherwise as it deems fit, create life or privileged members by absolving one or more of its members from further payment of dues⁷⁷ or by reducing the amount of dues to be paid by some of them.⁷⁸

Such a by-law, however, must treat all brothers in the same general class alike⁷⁹ and the privilege, when earned, must come automatically to all members entering that class⁸⁰ and cannot be made dependent upon the report of an investigating committee,⁸¹ the favor of any number of the brethren or officers of the Lodge⁸² or upon a vote of the Lodge.⁸³

[§650] (2) Examples. Lodge by-laws may provide for exemption from dues upon the payment at one time of a specified sum⁸⁴ or for no dues or dues of a different rate from a brother "who has been a member for a continuous" period of years, in which case he is not debarred by reason of his dues having been remitted on several occasions;⁸⁵ "after [a fixed number] of years of continuous membership;"⁸⁶ from one who "is in good standing at the expiration of [a fixed number] of years of membership," in which case, although the years of good standing need not be consecutive, they are interrupted by a period of unaffiliation which cannot be made up by payment at the time fixed in the by-law by payment of an amount equivalent to the dues of such period of unaffiliation;⁸⁷ from a member of a specified number of years "standing," in which case the years of membership must be consecutive;⁸⁸ "after having been a member in good stand-

75. Rights of Life Members, see *infra*, §1098.

76. As to Grand Lodge dues, see *infra*, §674.

77. Comm. J., 1920 p. 160, Comp. 834, 835 (5).

78. In the Matter of Adelphi Lodge, 1913 p. 260, Comp. 638.

79. Matter of Richmond Lodge, 1913 p. 247, Comp. 619, 624; Matter of Justinian Lodge, 1949 p. 27, *approved* 1949 p. 35.

80. Matter of Richmond Lodge, 1913 p. 247, Comp. 619, 625; St. Cecile Lodge, 1944 p. 40, 46, *approved* 1944 p. 82.

81. St. Cecile Lodge, 1944 p. 40, 46, *approved* 1944 p. 82.

82. Matter of Richmond Lodge, 1913 p. 247, Comp. 619, 625.

83. St. Cecile Lodge, 1944 p. 40, 46, *approved* 1944 p. 82.

84. Roome G. M., 1879 p. 22, 23, Comp. 199.

Whether such payment fulfills the member's obligation to pay an amount equivalent to his Grand Lodge per capita depends on whether the amount so paid, placed at interest, is sufficient under proper actuarial rules to produce an annual sum equivalent to such per capita. Mollenhauer G. M., 1934 p. 153, *approved* 1935 p. 120, Comp. 1111.

85. Matter of Olympia Lodge, 1945 p. 54, *approved* 1945 p. 79.

86. Matter of Darcy Lodge, 1941 p. 114, *approved* 1942 p. 112, 117, Comp. 1169.

87. In the Matter of Mosaic Lodge, 1932 p. 144, *approved* 1933 p. 178, Comp. 1061.

88. In the Matter of Adelphi Lodge, 1913 p. 260, Comp. 638.

ing" for a fixed number of years,⁸⁹ in which case the years of membership need not be consecutive;⁹⁰ from one who has paid dues for a certain number of years, in which case remission of dues for any period, or their payment from a relief fund, does not constitute payment,⁹¹ a member cannot bring himself within the by-law by paying to the Lodge an amount equivalent to the dues for the period of his unaffiliation⁹² and where dues are payable in advance, full dues for the year in which the total number of years for qualification terminate must be paid;⁹³ from one who has paid dues "continuously" for a certain number of years,⁹⁴ in which case he is debarred if his dues have been remitted at any time during the period,⁹⁵ an offer to pay a sum equal to the dues covering that period cannot be substituted⁹⁶ and if membership was acquired in the middle of a year and the dues were payable in advance the full year's dues for the final year must be paid;⁹⁷ from one who shall have paid his dues for a certain number of "consecutive years,"⁹⁸ in which case a remission of dues does not constitute payment⁹⁹ and the payment for the full period cannot be made up by adding together two separate periods of continuous payment, although they aggregate the full number of years;¹ or from one who paid dues for a certain number of years without default.²

[§651] (3) **When Privilege Vests.** Since by-laws providing for life or privileged members set forth an offer upon the performance of a condition precedent, the test as to whether a brother has acquired a vested right under one of them depends wholly upon whether he has performed such condition precedent.³ This includes previous compliance with his financial obligations to the Lodge.⁴

[§652] (4) **Amendment or Repeal.** At any time before the condi-

89. In the Matter of Pacific Lodge, 1913 p. 234, Comp. 601; Matter of Munn Lodge, 1945 p. 55, approved 1945 p. 79.

90. In the Matter of Pacific Lodge, 1913 p. 234, Comp. 601.

91. Klinek G. M., 1937 p. 76, approved 1937 p. 152, Comp. 1130.

92. Matter of Nathan Hale Lodge, 1946 p. 82, approved 1946 p. 101, 103.

93. Re Norsemen Lodge, 1937 p. 78, approved 1937 p. 154, Comp. 1130.

94. Matter of Island City Lodge, Matter of Bedford Lodge, 1942 p. 42, approved 1942 p. 118, Comp. 1191.

95. Matter of Olympia Lodge, 1945 p. 54, approved 1945 p. 79.

96. Matter of Island City Lodge, Matter of Bedford Lodge, 1942 p. 42, approved 1942 p. 118, Comp. 1191.

97. Matter of Island City Lodge, 1942 p. 42, approved 1942 p. 117, Comp. 1191.

98. In the Matter of Pyramid Lodge, 1915 p. 203, Comp. 710, approved 1916 p. 788, 790 (4).

99. Owens G. M., 1936 p. 55, Comp. 1118, approved 1936 p. 128, Comp. 1118.

1. Comm. J., 1916 p. 201, Comp. 788, 790 (4), approving In the Matter of Pyramid Lodge, 1915 p. 203; Comp. 710.

2. Roome G. M., 1879 p. 22, 23, Comp. 199.

3. Klinek G. M., 1938 p. 71, 73, approved 1938 p. 147, Comp. 1137. See also case cited *supra*, §650.

4. Matter of Darcy Lodge, 1941 p. 114, approved 1942 p. 112, 117, Comp. 1169, holding that one who was in arrears of dues for four years at the expiration of the period fixed by the by-laws might, nevertheless, be unaffiliated for their non-payment.

tions have been fulfilled, a provision for life or privileged membership may, like any other by-law, be revoked by properly adopted amendment,⁵ but such an amendment or repeal cannot place an additional burden upon those who have attained the status by full compliance with the provisions of the by-laws.⁶

[§653] (D) Resident and Non-Resident Members. For the sole purpose of establishing a different rate of dues for each class, a Lodge may, by a by-law, classify its members as resident and non-resident members.⁷

[§654] (XVII) Determining Qualifications of Candidate⁸—(A) As to Character. A Lodge shall not initiate any person without due inquiry into his character.⁹

[§655] (B) As to Physical Soundness¹⁰—(1) Rule Stated. Responsibility is placed in the first instance upon the Lodge to see to it that each and every candidate comes within the definition as to his physical qualifications.¹¹

It has been said that it is in the province of the Lodge to exercise some discretion in the matter,¹² but it will be readily seen that the discretion is very limited and only requires an answer to the question: Does the candidate conform to the requirements of the ancient Law?¹³ Any doubts on the subject should prevail against the admission of the candidate.¹⁴

[§656] (2) May Not Require Examination by Physician. A by-law is illegal which requires all petitioners to pass a physical examination by a physician appointed by the Lodge.¹⁵

5. Matter of Lodge of Ancient Landmarks, 1950 p. 38, *approved* 1950 p. 83.

By-laws amended how, see *supra*, §§612-613.

6. Klinck G. M., 1938 p. 71, 73, *approved* 1938 p. 147, Comp. 1137; Comm. J., 1943 p. 130, *approving* Strang G. M., 1943 p. 48 (3); Matter of Munn Lodge, 1945 p. 55, *approved* 1945 p. 79.

7. In the Matter of Hornell Lodges, 1932 p. 143, *approved* 1933 p. 178, Comp. 1059, 1061.

8. Investigating Committee, see *supra*, §§530-535.

Qualifications as to Character, see *supra*, §497.

9. Consts., §347; Gibson G. M., 1869 p. 41, Comp. 131, 132; Comm. J., 1872 p. 141, Comp. 160.

10. Physical qualifications, see *supra*, §§498-499.

Duty of Master to determine, see *infra*, §963.

Duty of Member to determine, see *infra*, §1068.

11. Fortuna Lodge Case, 1881 p. 38, Comp. 215, 218; Matter of Kilwinning Lodge, 1910 p. 494, Comp. 285, 290; Matter of Physical Qualifications, 1929 p. 115, Comp. 947, *approved* 1929 p. 206, Comp. 963.

12. King G. M., 1862 p. 28, Comp. 74 (2).

13. Fortuna Lodge Case, 1881 p. 38, Comp. 215, 217-218.

14. Simons G. M., 1861 p. 18, Comp. 64, 67; King G. M., 1862 p. 28, Comp. 74 (2); Paige G. M., 1864 p. 25, Comp. 98, 102; Comm. J., 1864 p. 145, Comp. 102, 104.

15. Richardson G. M., 1927 p. 132, Comp. 892 (6), *approved* 1927 p. 245, Comp. 897.

[\$657] (C) As to Previous Rejection.¹⁶ A Lodge shall not initiate any person without inquiry as to whether he has been previously rejected.¹⁷

[\$658] (D) As to Residence.¹⁸ It is the duty of an Investigating Committee to look beyond the petition to ascertain where the residence of a petitioner really is and has been.¹⁹

[\$659] (E) Discussion of Petitioner's Merits Forbidden.²⁰ No discussion upon the merits of a petitioner for initiation, passing or raising, or for affiliation, shall be allowed in the Lodge,²¹ as tending to impair the secrecy of the ballot by disclosing the preference of the members,²² whether such discussion is before or during the ballot²³ or after the result has been declared.²⁴

[\$660] (XVIII) Dimit—(A) Matter of Right—(1) Rule Stated. While it was formerly otherwise,²⁵ it is now settled that, with certain exceptions hereinafter noted²⁶ and upon proper application,²⁷ any member of a Lodge may withdraw from membership and be entitled to a dimit setting forth the fact that he was dropped from the roll at his own request.²⁸

16. Effect of previous rejection, see *supra*, §§555-559.

17. Consts., §347. The wording of this section is not the happiest. The first sentence reads: "A Lodge shall not initiate any person . . . without being satisfied that he has not been previously rejected." If this were so, a person once rejected could never be initiated, which is, of course, not true as appears from the next sentence in the section.

18. Residential requirements, see *supra*, §§465-471.

Duty of Master, see *infra*, §965.

19. King G. M., 1862 p. 28, Comp. 74, 76 (16).

20. Discussion a Masonic offense, see *infra*, §1158.

21. Consts., §356.

22. Paige G. M., 1865 p. 24, Comp. 106, 108 (20), *approved* 1865 p. 195, Comp. 108.

23. In the Matter of W.'s Bro. Peter Bianchetti, 1913 p. 294, Comp. 642, 645.

24. Gibson G. M., 1869 p. 43, Comp. 133.

25. Formerly, dismissal from a Lodge required the assent of the Lodge. Lewis G. M., 1859 p. 28, Comp. 56, 59 (38); King G. M., 1862 p. 28, Comp. 74, 82 (53); Anthon G. M., 1870 p. 45, Comp. 152. See also address of Crane G. M., 1863 p. 18, Comp. 90, 93,

who, while recognizing these rulings, saw no good reason for same.

Such assent was by a majority vote unless otherwise prescribed by the Lodge by-laws. Lewis G. M., 1859 p. 28, Comp. 56, 59 (39).

26. See *infra*, §§661-664.

27. See *infra*, §666.

28. Consts., §369; Matter of Richmond Hill Lodge, 1950 p. 39, *approved* 1950 p. 83, deciding that when a brother who was told that he might ask for dimit or charges would be preferred against him asked for dimit which was immediately granted, already prepared, there was no necessity for a vote and the brother was not subject to duress. See also Gibson G. M., 1869 p. 47, Comp. 139; Comm. J., 1905 p. 262, Comp. 244.

Failure to grant an offense, see *infra*, §1195.

Formerly a dimit was not delivered to the withdrawing brother in the event that he had been accepted for affiliation in another Lodge within the jurisdiction of Grand Lodge, but this was altered by the amendment of Consts., §348, in 1951. One interested in this former practice may consult Handbook of Masonic Law (1st ed.), §§574, 577, 580.

Nor was it regular for a Lodge to grant a dimit to a member who con-

It follows that when such a request is presented to an appropriate officer of the Lodge in his official capacity compliance by the Lodge with the request at its next succeeding stated communication is conclusively presumed, unless, perhaps, the request is withdrawn before that time, and the requesting brother automatically ceases to be a member of the Lodge and is thereupon entitled to a dimit setting forth the fact.²⁹

[§661] (2) Exceptions—(a) Must Not Be to Entered Apprentice or Fellowcraft. A dimit cannot be granted to an Entered Apprentice or a Fellowcraft.³⁰

[§662] (b) Must Not Be to Master or Warden. A dimit cannot be granted to the Master or a Warden.³¹

[§663] (c) Must Not Be to One Indebted to Lodge. A dimit may not be issued to a brother whose indebtedness to the Lodge is not discharged. This includes dues³² or a lawful assessment³³ and since an assessment is an entire indebtedness, notwithstanding provisions for instalment payments, such an assessment must be fully discharged before a brother may be granted a dimit.³⁴

[§664] (d) Must Not Be to One Against Whom Charges Pending. A dimit may not be granted to a brother against whom charges are pending.³⁵

[§665] (e) Duplicate Dimit. It has been declared that there is no constitutional provision for the granting of a subsequent or duplicate dimit, where one has been granted, and that whether it should be issued or withheld should be left to the discretion of the Lodge.³⁶

templated going to the jurisdiction of another Grand Lodge, until he had in fact become a resident of such other jurisdiction. If he desired to sever his connection with his Lodge before becoming a resident of another jurisdiction, he could accomplish this by an application for a withdrawal certificate. Matter of Polar Star Lodge, 1911 p. 254, Comp. 546, 548. This certificate simply stated the fact that he had been dropped from the roll of the Lodge at his own request. Thorne G. M., 1875 p. 30, Comp. 163, 164 (10), approved 1875 p. 231, Comp. 175.

29. Matter of Pacific Lodge No. 223, 1942 p. 50, approved 1942 p. 113, Comp. 1200, 1203; Matter of Hyatt Lodge No. 205, 1948 p. 49, approved 1948 p. 73.

30. Gibson G. M., 1869 p. 47, Comp. 139; Matter of Spiegel, 1910 p. 510, Comp. 307; Matter of Altair Lodge,

1910 p. 511, Comp. 308. See also *infra*, §1050.

31. Comm. Cond. M., 1863 p. 172, Comp. 94, approving Crane G. M., 1863 p. 18, Comp. 90, 93. See also Consts., §316 and *infra*, §§967, 1011.

32. Consts., §369.

33. Matter of Salisbury, Comms. App. 1889 p. 149, Comp. 225.

34. Matter of Beukendaal Lodge No. 915, 1930 p. 164, Comp. 1001, approved 1931 p. 217, Comp. 1049.

35. Consts. §369.

36. Matter of Moore, 1910 p. 509, Comp. 306. But see Thorne G. M., 1875 p. 30, Comp. 163 (9), approved 1875 p. 231, Comp. 175, deciding that a brother who had lost his dimit, granted before the adoption of the then Constitution, was entitled to a duplicate dimit, said duplicate to be dated as of the time when originally granted.

[§666] (B) **Must Be Requested in Writing.** While formerly a dimit might be granted on personal oral application or written request,³⁷ request to withdraw from membership in a Lodge must now be by the presentation of a written application therefor at a Stated Communication.³⁸ One granted on an oral request is wholly void.³⁹

[§667] (C) **Dimit Once Granted May Not Be Reconsidered.** Upon the actual or presumed grant of a dimit, the Lodge may not reconsider its actual or presumed action in granting it, even though unanimously in favor of so doing, and the dimitted brother can return to the Lodge only as any other non-affiliated Mason would enter it.⁴⁰

[§668] (D) **Requisites of Dimit—(1) In General.** Since a dimit is simply the severance of Lodge membership and is complete when the brother has requested it and the Lodge has, or is presumed to have, consented to it, the certificate of dimission issued by the secretary is merely evidence of the joint acts by which membership was terminated and does not necessarily include a recommendation of the dimitting brother.⁴¹

[§669] (2) **Form of Dimit—(a) For Brother Withdrawing Completely.** A dimit issued to one who withdraws from membership may be in the following form:⁴²

To All Free and Accepted Masons Whom It May Concern,
GREETING:

Standard Lodge, No. 2000, acknowledging the jurisdiction of the Grand Lodge of the State of New York.

This is to certify, that Brother *John Doe*, 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 cordially commend him to the fraternal regard of all true Free and Accepted Masons, wherever dispersed around the globe.

37. Simons G. M., 1861 p. 18, Comp. 64, 66 (26); Gibson G. M., 1859 p. 47, Comp. 139.

38. Consts., §369; Comm. J., 1920 p. 160, Comp. 835, referring to the then definition of a non-affiliated Mason which is now included in Consts., §702; Matter of Baldwin Lodge No. 1047, 1941 p. 115, approved 1942 p. 113, Comp. 1170; Matter of Home Lodge No. 398, 1945 p. 75, approved 1945 p. 79. See also Matter of Anonymous, 1947 p. 37, approved 1947 p. 154, where a brother, influenced by conditions, asked to be dropped from the roll but was induced to remain on the promise of the

Lodge to remit his dues if he did so, its purported dropping him after a lapse of five years with no further action on either side was nugatory.

39. Matter of Baldwin Lodge No. 1047, 1941 p. 115, approved 1942 p. 113, Comp. 1170.

40. Crane G. M., 1863 p. 18, Comp. 90 (4), approved 1863 p. 173, Comp. 94; Matter of Hyatt Lodge No. 205, 1948 p. 49, approved 1948 p. 73. See also *infra*, §1058.

41. Paige G. M., 1865 p. 24, Comp. 106, 107 (16), approved 1865 p. 195, Comp. 101.

42. Consts., p. 118 (5).

In testimony whereof we have caused this Dimit to be signed by the Secretary, and the seal of the Lodge to be attached this 10th day of January, A. L., 5951.

(SEAL)

Calvin Clark, Secretary.

[§670] (b) For Brother Withdrawing from One of Two Lodges. Where a dimit is issued to a brother who withdraws from membership in one of two Lodges of which he was a member under the laws permitting dual membership, it should be in the following form:⁴³

GRAND LODGE OF NEW YORK

To All Free and Accepted Masons whom it may Concern

GREETING:

Standard Lodge, No. 2000, acknowledging the jurisdiction of the Grand Lodge of the State of New York, F. & A. M.

This is to Certify that

Brother *John Doe*, who has signed his name in the margin hereof, was a Member of this Lodge under Dual Membership and having signified his desire to withdraw from Membership in this Lodge in conformity with the Book of Constitutions of the Grand Lodge:

Now, therefore, this is to certify that he is clear upon the books of this Lodge and is granted this Dimit therefrom. This Dimit is a certificate of discharge from this Lodge only and does not operate to affect the standing of the Brother in any other Lodge of which he is or may have been a Member under the laws of this Grand Jurisdiction relating to Dual Membership.

In Testimony whereof we have caused this Dimit to be signed by the Master and the seal of the Lodge to be attached this 10th day of February, 5951.

(SEAL)

John Master, Master.

James Clerk, Secretary.

This is to Certify, that Standard Lodge, No. 2000, is a legally constituted Lodge, under the jurisdiction of the Grand Lodge of the State of New York.

(SEAL)

George R. Irving, Grand Secretary.

[§671] (XIX) Disciplinary.⁴⁴ While a Lodge has no inherent power to deprive a brother of rights and privileges which exist wholly apart from his membership in the Lodge,⁴⁵ it does have an inherent right to exercise certain disciplinary powers. Thus it may, by order adopted at the same Communication, punish a brother guilty of contempt by exclusion for the evening⁴⁶ or, for disturbing the harmony of the Lodge, by exclusion from that or subsequent Communi-

43. Consts., p. 121 (11).

44. Trials and Discipline, see *infra*, §§1105-1490.

45. In the Matter of Radiant Lodge, etc., 1932 p. 146 approved 1933 p. 178,

Comp. 1063, 1066; Matter of Pacific Lodge No. 233, 1946 p. 78, approved 1946 p. 101, 103.

46. Gibson G. M., 1869 p. 44, Comp. 134.

cations for a definite time fixed in advance, which time must be limited to such period as there is reasonable ground to believe that his presence will be prejudicial to the Lodge's welfare.⁴⁷ So, by a majority vote, it may direct that a brother, who without recognition or permission interrupted the Senior Warden and used offensive language toward him, "write a letter of apology to the Lodge to be read in open Lodge, or stand suspended until he did so."⁴⁸ But a by-law authorizing the imposition of fines "at the discretion of the Lodge" has been disapproved⁴⁹ and a Lodge has no jurisdiction to compel a member to appear before a committee to account for his business dealings.⁵⁰

[§672] (XX) Dues and Assessments—(A) Distinguished. There is a marked distinction between Lodge dues and assessments. Dues are established by the by-laws, are fixed in amount, are continuous from year to year and are levied for the purpose of creating a general fund for all legitimate uses of the Lodge. Assessments, on the other hand, are levied only from time to time for specific Masonic purposes.⁵¹ The effect of failure to pay a Lodge assessment is not the same as failure to pay Lodge dues.⁵² For the latter the member is subject to unaffiliation⁵³ or possibly to disfranchisement at an election of officers,⁵⁴ for failure to pay an assessment, he is liable to charges, trial and punishment.⁵⁵

[§673] (B) Dues—(1) Right to Require and Regulate—(a) Rule Stated. The Constitutions provide that a Lodge may enact by-laws requiring and regulating the payment of Lodge dues and providing a penalty for non-payment thereof,⁵⁶ which penalty may be disfran-

47. Matter of Pacific Lodge No. 233, 1946 p. 78, approved 1946 p. 101, 103.

48. Matter of Ford, 1913 p. 293, Comp. 640, 642.

49. Anthon G. M., 1870 p. 45, Comp. 152.

50. While such action may be laudable as an effort to bring the parties together and effect a settlement, there is no provision in the Constitutions or Code of Procedure authorizing a compulsory proceeding of this character. The fact that the defendant appeared and promised to make an account did not deprive him of his right to change his mind and refuse or neglect to submit himself to such assumed jurisdiction. Kings County Lodge v. Stengel, 1914 p. 162, Comp. 646, 648.

By mutual consent of the parties a Lodge may investigate a matter of

private contract or pecuniary claim, but none should attempt to exercise a power of that nature except by such consent. Matter McBurney, G. L. Proc. 1819, 2 Kane R. p. 135, Comp. 6-7.

51. Matter of Pacific Lodge No. 233, 1916 p. 184, Comp. 779, 781. See also Matter of Hartsdale Lodge No. 1013, 1941 p. 114, approved 1942 p. 113, 117, Comp. 1169.

52. Gibson G. M., 1870 p. 46, Comp. 153; Matter of Plattsburgh Lodge No. 828, 1913 p. 254, Comp. 629, 635; Matter of Clinton Lodge No. 155, 1916 p. 187, Comp. 784, approved 1917 p. 236, Comp. 806, 809 (11).

53. See *infra*, §684.

54. See *infra*, §683.

55. See *infra*, §717.

56. Consts., §367.

chisement at an election of Lodge officers⁵⁷ or⁵⁸ unaffiliation.⁵⁹ Nothing more can be done than is thus authorized,⁶⁰ though a by-law may provide for a lesser penalty.⁶¹ With one important limitation,⁶² the whole question of dues is a matter of contract between the Lodge and its members⁶³ and the amount is left to the discretion of the Lodge even though the eventual pecuniary result is to raise a sum which it might not raise by an assessment.⁶⁴ A by-law may provide that, out of the annual dues, a certain amount be paid by the Treasurer into a special fund established to provide means from which to make special appropriations,⁶⁵ but a by-law fixing as dues an annual sum a portion of which is directed to be accumulated for entertainment or other purposes is void.⁶⁶

[§674] (b) Limitation as to Grand Lodge Dues. No by-law shall permit the annual dues of any member to be fixed at a less sum than is required to be paid by the Lodge to Grand Lodge for each of its members⁶⁷ and, no matter what the wording, any by-law purporting to exempt any member from the payment of Grand Lodge dues is void.⁶⁸

[§675] (c) Apportioning. Unless specifically provided, provisions for the payment of annual dues do not contemplate fractional pay-

57. Consts., §§367, 303.

Disfranchisement at election of officers, see *infra*, §683.

58. When first enacted, the word "and" was used here and it was held that it was used in a disjunctive sense and with equivalent effect as though the word "or" had been employed. In *re* Construction, etc., 1933 p. 109, approved 1933 p. 179, Comp. 1098, 1100. In 1934 the word "or" was substituted. 1934 pp. 263-264.

59. Consts., §367.

Unaffiliation, see *infra*, §684.

60. Gibson G. M., 1870 p. 30, Comp. 144, 146.

61. Simons G. M., 1861 p. 18, Comp. 64, 65 (12); Comm. J. & Cond. M., 1868 p. 44, Comp. 121, 123.

62. See *infra*, §674.

63. *Re* Right of Lodge to Remit, etc., 1935 p. 67, approved 1935 p. 124, Comp. 1115, 1116.

64. Matter of Plattsburgh Lodge No. 828, 1913 p. 254, Comp. 629, 635, a fund to erect a Temple.

65. In the Matter of Olympia Lodge No. 808, 1932 p. 152, approved 1933 p. 178, Comp. 1074.

66. Matter of Piatt Lodge No. 194,

1921 p. 106, Comp. 838, approved 1922 p. 209, Comp. 867.

67. Consts., §319.

This limitation was added to the foregoing section of the Constitutions in 1934 (1934 pp. 263-264) following a ruling of the Grand Master to the same effect in 1932 (Mollenhauer G. M., 1932 p. 180, 182, approved 1933 p. 180, Comp. 1110).

68. Matter of Tyrian Lodge No. 618, 1945 p. 54, approved 1945 p. 79.

For convenience of collection, the charge for Grand Lodge dues is made directly against the Lodge, but the basis of that charge is per capita membership and Grand Lodge has a right to look to the individuals composing the membership as the ultimate source from which its income must come and a by-law which attempts to exempt any class of members from all dues and to pay them from the General Fund is invalid since its effect is to relieve the affected members from the performance of their duty to Grand Lodge. Exemption from Grand Lodge Dues of Men in Military Service, 1941 p. 113, Comp. 1168, approved 1942 pp. 112, 117.

ments and the entire amount of annual dues is due and payable on the date fixed for their payment.⁶⁹

[§676] (d) Changing. Except that an additional burden cannot be placed upon those who have become exempt while it was in force,⁷⁰ a by-law providing for life or privileged membership may be lawfully repealed or amended in accordance with a proper provision of the by-laws at any time.⁷¹ Thus exemption from the payment of dues conferred *ipso facto* upon charter members, being a mere privilege, may be withdrawn at any time by amendment or repeal of the by-law.⁷² Similarly, a Lodge may raise its dues in February and make the same retroactive to January, but this cannot affect one who has paid the old dues prior to the amendment.⁷³

[§677] (e) Discriminating Between Members.⁷⁴ Subject to the limitation with respect to Grand Lodge dues⁷⁵ and provided they are the same for all members of the same class,⁷⁶ a Lodge may fix its dues at such sums as it may elect for different classes of members.⁷⁷ Thus it may provide for a reduced rate for "life" or "privileged" members,⁷⁸ those who pay with specified promptness,⁷⁹ those whose

69. Re Norsemen Lodge No. 878, 1937 p. 78, *approved* 1937 p. 154, Comp. 1130; Matter of Island City Lodge No. 586, 1942 p. 42, *approved* 1942 p. 118, Comp. 1191.

70. Thorne G. M., 1875 p. 30, Comp. 163, 172 (50), *explained* Comm. Cond. M., 1875 p. 231, Comp. 175, 177; Comm. J., 1879 p. 98, Comp. 200, 201; Matter of St. George's Lodge, 1910 p. 537, Comp. 344, 352; Matter of Kane Lodge No. 454, 1914 p. 187, Comp. 679, 683; Matter of James W. Husted Lodge No. 1068, 1931 p. 151, Comp. 1041, *approved* 1931 p. 217, Comp. 1049; Klinck G. M., 1938 p. 71, 73, *approved* 1938 p. 147, Comp. 1137; Matter of Granite Lodge No. 1011, 1942 p. 43, *approved* 1942 p. 118, Comp. 1192.

Exemption how acquired, see *supra*. §§649-652.

71. Comm. J. & Cond. M., 1866 p. 81, Comp. 113, 115; Comm. J., 1879 p. 98, Comp. 200, 201; Comm. J., 1880 p. 62, Comp. 206, 207; Comm. J., 1885 p. 128, Comp. 222; Comm. J., 1894 p. 162, Comp. 230; Matter of St. George's Lodge 1910 p. 537, Comp. 344, 352; Matter of Independent Lodge, 1911 p. 255, Comp. 548, 549. Matter of Pyramid Lodge No. 490,

1915 p. 203, Comp. 710; Matter of Hoffman Lodge No. 412, 1931 p. 148, Comp. 1037, 1040, *approved* 1931 p. 217, Comp. 1049; Matter of James W. Husted Lodge No. 1068, 1931 p. 151, Comp. 1041, *approved* 1931 p. 217, Comp. 1049; Klinck G. M., 1938 p. 71, 73, *approved* 1938 p. 147, Comp. 1137; Matter of Granite Lodge No. 1011, 1942 p. 43, *approved* 1942 p. 118, Comp. 1192.

Amendment of by-laws generally, see *supra*, §§612-613.

72. Matter of James W. Husted Lodge No. 1068, 1931 p. 151, Comp. 1041, *approved* 1931 p. 217, Comp. 1049.

73. Matter of Cassia Lodge No. 445, 1949 p. 28, *approved* 1949 p. 35.

74. Creating different classes of members, see *supra*, §§647-653.

75. See *supra*, §674.

76. Matter of Richmond Lodge No. 66, 1913 p. 247, Comp. 619, 624.

77. Matter of Zetland Lodge No. 951, 1945 p. 64, *approved* 1945 p. 79.

78. Matter of Richmond Lodge No. 66, 1913 p. 247, Comp. 619, 624. See also *supra*, §649.

79. Matter of Highland Lodge No. 835, 1941 p. 112, *approved* 1942 p. 112, 117, Comp. 1168.

petitions for initiation are received before a specified date,⁸⁰ resident and non-resident members⁸¹ or veterans of World War I.⁸²

[§678] (2) Remission of Dues—(a) Permitted to Lodge—(aa) Rule Stated. Although formerly held otherwise,⁸³ the right of a Lodge to remit the accrued dues of an indigent member, either before or after unaffiliation, is now well established⁸⁴ and, while it has been said that the right is limited to cases of indigent members,⁸⁵ a by-law has been held valid which provided that the Lodge might remit accrued dues "for any reason by it deemed sufficient"⁸⁶ or a part of the dues of such members as make payment before a specified date.⁸⁷

[§679] (bb) Grand Lodge Per Capita Not Included. A Lodge may not, however, remit the Grand Lodge per capita tax, though it may vote to draw a warrant to pay it for a given brother and thereby in effect exonerate him from its payment.⁸⁸

[§680] (b) Remission by Committee Not Permitted. The right to remit dues is reserved to the Lodge itself and the function of a Committee on Delinquents is concluded with a recommendation to the Lodge upon which the latter may take action.⁸⁹

[§681] (c) Remission Does Not Constitute Payment. The remission of dues does not constitute their payment.⁹⁰

[§682] (3) Penalty for Non-Payment of Dues—(a) May Be Fixed by By-Laws. A Lodge in its by-laws may provide one or both of two penalties for the non-payment of dues,⁹¹ but nothing more can be done than is thus authorized,⁹²

80. Matter of Independent Lodge, 1911 p. 255, Comp. 548.

81. Matter of Hornell Lodges, 1932 p. 143, approved 1933 p. 177, 178, Comp. 1059, 1060.

82. Re Fortitude Lodge No. 19, 1951 p. 26, approved 1951 p. 27.

83. King G. M., 1862 p. 28, Comp. 74, 81 (44), who added that there was nothing to forbid a Lodge making donations to brothers for charitable objects. Those interested in observing the results of his suggestion may consult Supplement to Handbook of Masonic Law (1st ed.), §588, note 17.

84. Re Right of Lodge to Remit Dues, etc., 1935 p. 67, approved 1935 p. 124, Comp. 1115, 1116.

85. In the Matter of Galileo Lodge No. 1052, 1933 p. 113, approved 1933 p. 179, Comp. 1104, 1106.

86. Matter of St. Alban's Lodge No. 56, 1913 p. 227, Comp. 592, 596.

87. Matter of Highland Lodge No. 835, 1941 p. 112, approved 1942 p. 112, 117, Comp. 1168.

88. Turner G. M., 1941 p. 114.

89. Owens G. M., 1935 p. 64, approved 1935 p. 122, Comp. 1112.

90. Owens G. M., 1936 p. 54, 55, approved 1936 p. 128, Comp. 1118, so as to entitle one whose dues have occasionally been remitted to claim life membership under a by-law providing that a member who has paid his dues for a specified number of years is entitled to that status.

91. Consts., §367; In re Construction, etc., 1933 p. 109, approved 1933 p. 179, Comp. 1093, 1100.

For these penalties, see *infra*, §§683-684.

92. Gibson G. M., 1870 p. 30, Comp. 144, 146; Owens G. M., 1935 p. 64, approved 1935 p. 121, Comp. 1112.

[§683] (b) **Disfranchisement at Election of Officers.** A Lodge may enact and enforce a by-law fixing a penalty for non-payment of dues which will disfranchise a member at an election of officers; but no such by-law shall disfranchise a member at any election if his dues are paid up to the time the election is held.⁹³ Nor can it extend this disability by denying to the brother in arrears his right to hold office.⁹⁴

[§684] (c) **Unaffiliation—(aa) In General.** With certain exceptions hereinafter considered,⁹⁵ a Lodge may enact and enforce a by-law fixing the penalty of unaffiliation for non-payment of dues.⁹⁶ Indeed, in order to unaffiliate a member for such non-payment, a Lodge must act under a by-law passed in accordance with the Constitutions.⁹⁷

[§685] (bb) **Right to Unaffiliate Depends on Arrears for Fixed Period.** The penalty of unaffiliation shall not be inflicted unless the brother is in arrears one year⁹⁸ and the constitutional provision refers to the duration of the delinquency, not merely to the calendar years during which the obligation to pay had been in existence.⁹⁹

[§686] (cc) **Unaffiliation for Non-Payment of Dues Accruing After Dimit Refused Not Permitted.** A Lodge may not enforce the penalty of unaffiliation for non-payment of dues accruing after its refusal to grant a dimit to a brother entitled thereto.¹

[§687] (dd) **Unaffiliation of Insane Brother Not Permitted.** An insane brother, in good standing when attacked with the disease causing insanity or when becoming insane suddenly, cannot be unaffiliated for non-payment of dues. The brother is in distress and while in that condition cannot be proceeded against for not doing what it requires reason and recollection to do. He is under God's hand and his Lodge cannot afflict him.²

93. Consts., §§303, 367.

94. Owens G. M., 1935 p. 64, approved 1935 p. 121, Comp. 1112.

95. See *infra*, §§686-688.

96. Consta., §367; Matter of Tyrian Lodge No. 618, 1945 p. 54, approved 1945 p. 79.

97. Thorne G. M., 1875 p. 30, Comp. 163, 164 (12), approved 1875 p. 231, Comp. 175.

98. Consts., §367.

99. Matter of Central City Lodge No. 305, 1941 p. 115, approved 1942 p. 113, 117, Comp. 1169, holding that unaffiliation on December 18, 1934 for non-payment of dues for 1933 and 1934 was improper; Klinck G. M., 1937

p. 76, approved 1937 p. 151, Comp. 1130, holding that under a by-law permitting unaffiliation of those two years in arrears, action taken on December 30, 1936 was operative only on those who owed dues prior to January 1, 1935.

Indebtedness of Lodge to delinquent does not debar the Lodge from unaffiliating him for non-payment of dues unless there is an agreement on its part that the indebtedness shall apply to the payment of dues. Paige G. M., 1862 p. 28, Comp. 74, 85 (76).

1. Matter of Lucas, 1906 p. 308, Comp. 244.

2. Gibson G. M., 1869 p. 47, Comp. 140.

[§688] (ee) **Unaffiliation of Own Master or Warden Not Permitted.** During his term of office a Lodge cannot unaffiliate its Master or a Warden for non-payment of dues,³ but it may unaffiliate one of its members who, under dual membership, holds either of such offices in another Lodge, notwithstanding such unaffiliation causes loss of membership in the second Lodge.⁴

[§689] (ff) **Delinquent Must Be Summoned.** In no event may a Lodge unaffiliate a brother for non-payment of dues until he shall have been summoned, thirty days prior to such action, to pay his arrears,⁵ but the effective date of a resolution for unaffiliation may be set at a time subsequent to the adoption of such resolution.⁶

[§690] (gg) **Form of Summons to Brother in Arrears.** The summons required by the Constitutions is to pay the arrears of dues, no mention of the penalty for non-payment being prescribed,⁷ but the use of the following form is suggested:⁸

Freetown, N.Y., DEC. 15, 1950.

Bro. John Doe:

You are hereby summoned to pay your arrears of dues amounting to \$16.00, or show cause within thirty days of the date hereof, why you should not be unaffiliated for non-payment.

By order of

William Meister, Master.

(SEAL) *James Clerk, Secretary.*

3. Paige G. M., 1865 p. 24, Comp. 106 (3), approved 1865 p. 195, Comp. 108.

4. In the Matter of the Status, etc., 1933 p. 111, 112, approved 1933 p. 179, Comp. 1101, 1102.

5. Consts., §367; Gibson G. M., 1870 p. 47, Comp. 154; Klinck G. M., 1937 p. 76, approved 1937 p. 151, Comp. 1129.

Lodge by-laws may provide that at least thirty days prior to the Annual Communication "all members" in arrears for at least a fixed number of years must be summoned in which event members so in arrears must be summoned and some action should be taken. Matter of Auburn Lodge No. 431, 1914 p. 190, Comp. 683, 688.

6. Matter of Beacon Light Lodge No. 701, 1943 p. 58, approved 1943 p. 130. Compare Matter of Auburn Lodge No. 431, 1914 p. 190, Comp. 683, 688; Klinck G. M., 1937 p. 76, approved 1937

p. 151, Comp. 1129, to the effect that while a Lodge after having summoned a member in arrears may extend his time to pay, it may not unaffiliate him at any subsequent communication unless he be again summoned.

7. Consts., §367; Matter of Mills, 1911 p. 251, Comp. 541, 542.

8. Consts., p. 119 (7).

In Richmond Hill Lodge No. 892, 1944 p. 40, 42, it was said that the summons must be issued over the name of the Master, attested by the written signature of the Secretary under the Lodge seal, dated the day of issue, be addressed to the members against whom action is proposed and contain the date and place at which action is to be taken. This decision was approved by Comm. J., 1944 p. 81-82, which added that the words "to pay said arrears of dues" must be included.

Summons generally, see *infra*, §§994-1004.

[§691] (hh) **Vote of Lodge Necessary to Unaffiliate.** Automatic unaffiliation is at variance with Masonic principles and practice⁹ and a vote of the Lodge is necessary for unaffiliation.¹⁰

[§692] (ii) **To Avoid Unaffiliation Must Tender Full Payment.** To avoid unaffiliation for non-payment of dues, the brother in arrears must tender the whole amount of his indebtedness.¹¹

[§693] (5) **Dues Cards.** Dues cards must be printed on specially watermarked paper with the seal of Grand Lodge on the back thereof.¹²

[§694] (C) **Assessments—(1) Right to Tax or Assess Recognized.** The right of a Lodge, under certain circumstances and in a certain manner,¹³ to tax or assess its members is recognized by the Constitutions.¹⁴ The power, however, is not absolute¹⁵ and has always been strictly limited.¹⁶ When objection is made to an assessment, its propriety should be submitted to and approved by some higher power before it can become binding.¹⁷

[§695] (2) **Assessment Must Be for Masonic Purpose—(a) Rule Stated.** To be valid, an assessment must be for strictly Masonic purposes and for no other.¹⁸

9. In the Matter of Archimede Lodge No. 935, 1933 p. 114, *approved* 1933 p. 180, Comp. 1106, 1109; Matter of Highland Lodge No. 835, 1941 p. 115, *approved* 1942 p. 113, Comp. 1170. See also *supra*, §586.

10. Comm. Cond. M., 1859 p. 258, Comp. 60; Matter of Highland Lodge No. 835, 1941 p. 115, *approved* 1942 p. 116, 117, Comp. 1170.

11. Comm. on App., 1867 p. 71, Comp. 119; Comm. J. & Cond. M., 1868 p. 44, Comp. 121, 123; Thorne G. M., 1876 p. 29, Comp. 178 (iii). See also Matter of Mills, 1911 p. 351, Comp. 541, 542.

12. Comm. J., 1942 p. 123, Comp. 1213.

13. See *infra*, §§695-717.

14. Consts., §371; Lewis G. M., 1859 p. 28, Comp. 56, 57 (15); Comm. J. & Cond. M., 1866 p. 81, Comp. 113, 114, *explaining* Holmes G. M., 1866 p. 19, Comp. 109, 112 (x).

15. Holmes G. M., 1866 p. 19, Comp. 109, 112 (x).

16. Matter of Worth Lodge No. 210, 1916 p. 179, Comp. 772, 773.

Only on extraordinary occasions may the right be exercised. Thorne G. M., 1876 p. 29, Comp. 178, 179 (v).

The language of the Constitutions (sec. 371) is "for strictly Masonic purposes, but for no other," indicative of the intention of Grand Lodge to circumscribe the right within narrowest limits. Matter of Construction, 1910 p. 451, Comp. 438, 441.

17. Holmes G. M., 1866 p. 19, Comp. 109, 112 (x).

Duty of member to protest, see *infra*, §1078.

Review by Grand Lodge, see *supra*, §99.

Review by Grand Master, see *supra*, §230.

18. Consts., §371; Gibson G. M., 1870 p. 46, Comp. 153.

[§696] (b) Examples of Masonic Purposes—(aa) For Grand Lodge. Payments to Grand Lodge are for a Masonic purpose,¹⁹ e. g., to meet a Lodge quota of a Grand Lodge Sinking Fund.²⁰

[§697] (bb) Funeral. Where a brother, entitled to be buried as a Mason, dies in poverty and there are no kin to pay for his interment or his funds are not immediately available for such purpose, the expenses of a Masonic funeral and decent interment are for a lawful Masonic purpose.²¹

[§698] (cc) Lodge Expenses. Payment of expenses necessary to conduct a Lodge is a Masonic purpose.²²

[§699] (dd) Payment of Existing Indebtedness. An assessment to pay the amount of an existing lawful indebtedness²³ even though the debt were incurred for a non-masonic purpose as in the purchase of land²⁴ or the erection of a building for a Masonic temple,²⁵ but may be ordered only when there are not Lodge funds in hand sufficient to meet the obligation.²⁶

[§700] (ee) Specific Personal Aid. An assessment to provide for the necessities of a specific worthy and indigent Mason²⁷ or of his wife, widow, child or orphan,²⁸ is for a Masonic purpose. This includes whatever the necessities of the case may require, e. g., money, physician, hospital attendance or nurse in sickness²⁹ and treatment to cure a member who had the morphine habit.³⁰

19. Matter of Construction, 1910 p. 451, Comp. 438, 454.

20. Matter of Pacific Lodge No. 233, 1916 p. 184, Comp. 779. See also Matter of Salisbury, Commrs. App., 1889 p. 149, Comp. 225, to the effect that an amendment to the by-laws of a Lodge assessing the members to pay the per capita tax to the Hall and Asylum Fund was binding on the members and that a dimit subsequently applied for could be granted only on payment thereof.

21. In the Matter of the Construction, etc., 1910 p. 451, Comp. 438, 454.

Duty of Lodge to bury, see *infra*, §756.

Right of member to burial, see *infra*, §§1063-1064.

22. King G. M., 1862 p. 28, Comp. 74, 81 (45); Matter of Construction, 1910 p. 451, Comp. 438, 454.

23. King G. M., 1862 p. 28, Comp. 74, 81 (45); Gibson G. M., 1870 p. 46, Comp. 153; Matter of Construction, 1910 p. 451, Comp. 438, 454; Matter of Lodi Lodge No. 345, 1929 p. 106,

Comp. 932, 937, *approved* 1929 p. 206, Comp. 963.

24. Matter of Plattsburgh Lodge No. 828, 1913 p. 254, Comp. 629, 634-635.

25. Matter of Masonic Temple at Utica, 1913 p. 242, Comp. 612, 619; Matter of Clinton Lodge No. 155, 1916 p. 187, Comp. 784, 786.

26. Matter of Clinton Lodge No. 155, 1916 p. 187, Comp. 784, 786; Matter of Lodi Lodge No. 345, 1929 p. 106, Comp. 932, 927, *approved* 1929 p. 206, Comp. 963. See also Matter of Construction, 1910 p. 451, Comp. 963. Available funds, how determined, see *infra*, §713.

27. Comm. J., 1897 p. 161, Comp. 232; Matter of Construction, 1910 p. 451, Comp. 438, 454.

28. Matter of Construction, 1910 p. 451, Comp. 438.

29. Matter of Construction, 1910 p. 451, Comp. 438, 454.

30. Commrs. App., 1897 p. 174, Comp. 232.

[§701] (c) **Examples of Non-Masonic Purposes**—(aa) **Acquiring Land or Building.** The acquisition of land upon which to build a Masonic hall³¹ or the building of a temple or place for meeting³² is not a strictly Masonic purpose and will not justify an assessment upon the membership to defray the cost thereof.

[§702] (bb) **Benevolence Disconnected From Masonry.** A Lodge may not assess its members for a benevolent purpose disconnected from Masonry.³³

[§703] (cc) **Erection of Monuments, Churches, Church Windows, Etc.** The erection of monuments, churches, church windows, etc., as memorials or otherwise, will not justify an assessment.³⁴

[§704] (dd) **Furnishing Lodge-Rooms.** The furnishing of Lodge-rooms is not such a strictly Masonic purpose as will justify an assessment.³⁵

[§705] (ee) **General Personal Aid.** Assessments for the benefit of the widow of a member only because she be his widow, without regard to her financial circumstances, or for furnishing a room in a hospital or a nurse for any member of the Lodge who may be sick, without regard to his financial ability to supply his own wants, are not for charity and are therefore not strictly for Masonic purposes.³⁶

[§706] (ff) **Patriotic Celebrations.** The celebration of public holidays is not a strictly Masonic purpose.³⁷

[§707] (gg) **Repairs to Building.** Expenses of shingling the exterior sidewall of a building and construction of a new roof do not justify an assessment.³⁸

[§708] (hh) **Rewards.** The offering of a public reward will not justify an assessment.³⁹

[§709] (ii) **Social Entertainment.** Social entertainment, including anniversary celebrations,⁴⁰ banquets or receptions generally, to Lodge or Grand Lodge officers or representatives or to candidates, carriage

31. Matter of Construction, 1910 p. 451, Comp. 438, 454; Matter of Plattsburgh Lodge No. 828, 1913 p. 254, Comp. 629, 634.

32. Gibson G. M., 1870 p. 46, Comp. 153; Matter of Construction, 1910 p. 451, Comp. 438, 454; Richardson G. M., 1927 p. 132, Comp. 892 (1), approved 1927 p. 245, Comp. 897.

33. Matter of Construction, 1910 p. 451, Comp. 438, 447; In the Matter of King Solomon Lodge No. 279, 1932 p. 157, approved 1933 p. 179, Comp. 1081, 1090.

34. Matter of Construction, 1910 p. 451, Comp. 438, 454.

35. Matter of Construction, 1910 p. 451, Comp. 438, 454.

36. Matter of Construction, 1910 p. 451, Comp. 438, 447.

37. Matter of Construction, 1910 p. 451, Comp. 438, 454.

38. Re Newark Valley Lodge No. 614, 1951 p. 25, approved 1951 p. 26.

39. Matter of Construction, 1910 p. 451, Comp. 438, 454.

40. Matter of Hill Grove Lodge No. 540, 1910 p. 448, Comp. 435, 438; Matter of Construction, 1910 p. 451, Comp. 438, 454.

hire, souvenirs, theater parties, etc.,⁴¹ is not such Masonic purpose as will justify an assessment by a Lodge of its members. It follows that an assessment, the proceeds of which are to be paid over to a Masonic Club, for privileges to be enjoyed by the members of a Lodge is not for a strictly Masonic purpose and is therefore void.⁴²

[§710] (3) **Assessment Must be Equal and Reasonable**—(a) **Rule Stated.** Except that life members who have become such under a by-law explicitly exempting them from assessments must be excluded,⁴³ assessments must be equal for all members of the Lodge,⁴⁴ including those raised during the current year,⁴⁵ and must be reasonable according to the circumstances of and demands upon the brethren and the Lodge.⁴⁶

[§711] (b) **Crediting Prior Contributions.** Notwithstanding the general rule,⁴⁷ a Lodge may credit, against the assessment of an individual, sums previously contributed by him for the designated purpose.⁴⁸

[§712] (c) **Indigent Members.** A Lodge may not exempt an indigent member from the payment of an assessment, but it may, by vote of the Lodge, pay it for him and may appoint a committee (without power to exempt) to report on the financial condition of one who claims to be indigent.⁴⁹

[§713] (4) **Available Funds How Determined.** In determining whether an assessment may lawfully be levied for the purpose of payment of a debt of a Lodge incurred for other than strictly Masonic purposes, it must be established that the Lodge cannot meet its just debts and obligations by application of its common funds, including all of the common properties of the Lodge and including also those which the indebtedness was created to acquire.⁵⁰ When the indebtedness is secured by mortgage, the value of the mortgaged property must be included in the computation of the funds available for pay-

41. *Matter of Construction*, 1910 p. 451, *Comp.* 438, 454.

42. *Matter of St. Paul Lodge No. 124*, 1930 p. 153, *Comp.* 928, *approved* 1931 p. 217, *Comp.* 963.

43. *Matter of Genesee Falls Lodge No. 507*, 1945 p. 64, *approved* 1945 p. 79.

44. *Gibson G. M.*, 1870 p. 46, *Comp.* 153; *Matter of Construction*, 1910 p. 451, *Comp.* 438, 447; *Matter of Richmond Lodge No. 66*, 1913 p. 247, *Comp.* 619, 623; *Matter of Lodi Lodge No. 345*, 1929 p. 106, *Comp.* 932, *approved* 1920 p. 206, *Comp.* 963; *Matter of Genesee Falls Lodge No. 507*, 1945 p. 64, *approved* 1945 p. 79.

45. *Matter of Genesee Falls Lodge No. 507*, 1945 p. 64, *approved* 1945 p. 79.

46. *Matter of Construction*, 1910 p. 451, *Comp.* 438, 447.

47. See *supra*, §710.

48. *Matter of Genesee Falls Lodge No. 507*, 1945 p. 64, *approved* 1945 p. 79.

49. *Matter of Genesee Falls Lodge No. 507*, 1945 p. 64, *approved* 1945 p. 79.

50. *Matter of Oatka Lodge No. 759*, 1930 p. 156, *Comp.* 988, *approved* 1931 p. 217, *Comp.* 1049.

ment, allowance being made for any indebtedness to Grand Lodge and to provide for ordinary and current expenses and current charities.⁵¹

[§714] (5) Assessment How Levied—(a) Must Be at Summoned Stated Communication. A tax or assessment may be ordered only at a Stated Communication of the Lodge previously summoned for the purpose.⁵² Hence a by-law is void which authorizes the Master to levy an assessment by mere declaration.⁵³

[§715] (b) May Be by Majority Vote.⁵⁴ In the absence of a by-law to the contrary, a tax or assessment may be ordered by a majority vote of all the members present and voting.⁵⁵

[§716] (6) Assessment an Entire Indebtedness though Payable in Instalments. An assessment constitutes an entire indebtedness, notwithstanding provisions for instalment payments.⁵⁶

[§717] (7) Payment of Assessment How Enforced. Payment of a lawful assessment may be enforced by summoning the members to attend at a fixed and reasonable time and pay the amount assessed.⁵⁷ The Lodge may not suspend a member who fails to pay,⁵⁸ or unaffiliate him,⁵⁹ but such failure is a failure to perform a Masonic duty⁶⁰ and the brother who refuses may be dealt with under our disciplinary code.⁶¹

51. Matter of Lodi Lodge No. 345, 1929 p. 106, Comp. 932, *approved* 1929 p. 206, Comp. 963.

52. Consts., §371; Gibson G. M., 1870 p. 46, Comp. 153; Matter of Masonic Temple at Utica, 1913 p. 242, Comp. 612, 619.

When summoned only to confer life membership upon one of their number, an assessment cannot be legally levied against the members at such Communication. Comm. J., 1919 p. 236, Comp. 806, 808 (6), *approving* Matter of Worth Lodge, 1916 p. 179, Comp. 772.

53. Matter of Hartsdale Lodge No. 1013, 1941 p. 114, *approved* 1942 p. 113, 117, Comp. 1169, for which reason a by-law was held void which provided that the dues of life members should be one-half those of other members, but that the Master might declare the remainder due if necessity required.

54. Voting generally, see *infra*, §§842-844.

55. Gibson G. M., 1870 p. 46, Comp. 153.

56. Matter of Beukendaal Lodge No. 915, 1930 p. 164, Comp. 1001, *approved* 1931 p. 217, Comp. 1049, holding that it must be fully discharged before a brother might be permitted to withdraw from membership within the provisions of sections 16 and 17 of the then Regulations. These two sections are now embodied in Book of Constitutions, §369. Colated Consts., p. 286.

57. Gibson G. M., 1870 p. 46, Comp. 153.

58. Matter of Genesee Falls Lodge No. 507, 1945 p. 64, *approved* 1945 p. 79.

59. Owens G. M., 1936 p. 54, 55, *approved* 1936 p. 128, Comp. 1118.

60. Consts., §371.

61. Consts., §371; King G. M., 1862 p. 28, Comp. 74, 81 (45); Matter of Genesee Falls Lodge No. 507, 1945 p. 64, *approved* 1945 p. 79.

Failure to pay a Masonic offense, see *infra*, §1160.

[§718] (XXI) Electing Proxy. A Lodge may elect one of its members, who is a Past Master, a Proxy to represent it, in the absence of its Master and Wardens, at the next succeeding Communication of Grand Lodge.⁶²

[§719] (XXII) Fair Dealing. When a Lodge enters into a business agreement with one of its members, it would be contrary to Masonic justice and violative of our boasted sincerity and plain dealing for the Lodge to take advantage of a legal technicality in its transactions with the member to his disadvantage or pecuniary loss, particularly when he has acted fairly and trusted the Lodge and in no way seeks to be relieved of his part of the contract.⁶³ Where a Lodge procured the services of a night nurse for a brother of another Lodge, who resided in its territory and had become seriously ill, notified his Lodge of its action, stating that the expenses of such nurse hire must be borne by his Lodge, which latter Lodge replied, expressing its appreciation and asking further particulars which were furnished, received no reply to this or to a subsequent letter in both of which it stated that the services of the nurse were being continued, not having received any instruction to the contrary, such silence and inaction impliedly authorized the expenditures.⁶⁴

[§720] (XXIII) Fee for Affiliation. A Lodge may receive a member by affiliation with or without fee, as it may decide,⁶⁵ and need not collect a prescribed fee in advance.⁶⁶ It may collect its regular affiliation fee from a brother whom it advances after his initiation or passing in a Lodge which has ceased to exist.⁶⁷ Affiliation fees are not dues and no member may be unaffiliated for their non-payment, the proper course being to prefer charges.⁶⁸

[§721] (XXIV) Fee for Degrees—(A) Right to Fix and Regulate—(1) Generally. Subject to certain limitations,⁶⁹ a Lodge has the power to enact by-laws fixing and regulating the payment of a fee for initiation into the first degree.⁷⁰

[§722] (2) Fee Need Not be Same for All Candidates. A by-law may classify candidates according to age for the purpose of fixing the amount of the initiation fee to be paid by each class.⁷¹

62. Consts. §106.

Proxy, see *supra*, §§42-46.

63. Matter of Franklin Lodge No. 216, 1910 p. 486, Comp. 487, 490, referring to a contract not enforceable under the Statute of Frauds.

64. Kingston Lodge No. 10 v. Temporal Lodge No. 203, Comm. Griev., 1919 p. 208, Comp. 815.

65. King G. M., 1862 p. 28, Comp. 74, 86 (84); Matter of Triumph Lodge U. D., 1910 p. 559, Comp. 374, 376.

66. King G. M., 1862 p. 28, Comp. 74, 86 (85).

67. Matter of Triumph Lodge U. D., 1910 p. 559, Comp. 374, 376.

68. King G. M., 1862 p. 28, Comp. 74, 86 (85).

69. See *infra*, §§725-727.

70. Consts., §360.

71. Re Initiation Fees, 1936 p. 58, approved 1936 p. 128, Comp. 1121, 1122.

[§723] (3) **Allocating Use of Fee.** Having fixed upon the sum which it will demand for initiation, a Lodge may lawfully provide that a part thereof shall be set aside for any legitimate Masonic purpose.⁷² Thus a portion of each initiation fee may be diverted into a contingent fund from which are to be expended calls for relief, donations⁷³ or entertainment,⁷⁴ but a by-law is void which seeks to combine in the sum charged for initiation the purchase of stock in a Masonic Temple building⁷⁵ or a contribution towards the payment of the Lodge's existing indebtedness.⁷⁶

[§724] (B) **Fee for Initiation—(1) Required of Every Candidate.** A fee for initiation must be paid by every candidate⁷⁷ including clergymen.⁷⁸

[§725] (2) **Limitations with Respect to Initiation Fee—(a) As to Amount.** The Constitutions fix a minimum fee for initiation and provide that a Lodge shall not make a Mason for a sum less than twenty-five dollars.⁷⁹

[§726] (b) **Must Be Paid in Advance.** The Constitutions further provide that a Mason shall not be made upon credit⁸⁰ and the entire fee must be paid in advance.⁸¹

[§727] (c) **Right to Declare Fee Forfeited.** While, by a by-law, a Lodge may limit the time within which an accepted candidate must present himself for initiation,⁸² no initiation or proposition fee or any part thereof shall be forfeited to the Lodge therefor, unless a clear statement of the conditions of forfeiture shall be set forth in the petition for initiation which has been subscribed by the candidate.⁸³

72. *Comm. J.*, 1929 p. 206, 207, *modifying* Matter of Ramapo Lodge No. 589, 1929 p. 110, *Comp.* 938.

73. In the Matter of Anthon Lodge No. 769, 1932 p. 151, *approved* 1933 p. 177, 178, *Comp.* 1072, 1073.

74. Matter of Fortitude Lodge, 1910 p. 508, *Comp.* 304; In the Matter of Anthon Lodge No. 769, 1932 p. 151, *approved* 1933 p. 177, 178, *Comp.* 1072, 1073.

75. Matter of Ark Lodge No. 33, 1921 p. 106, *Comp.* 838, *approved* 1922 p. 209, *Comp.* 866, 867.

76. *Comm. J.*, 1929 p. 206, 207, *modifying* Matter of Ramapo Lodge No. 589, 1929 p. 110, *Comp.* 938.

77. *Consts.*, §360; King G. M., 1862 p. 28, *Comp.* 74, 81 (48).

No power to remit in Grand Lodge

or Grand Master. See *supra*, §§101, 183.

78. Crane G. M., 1863 p. 18, *Comp.* 90 (6), *approved* 1863 p. 173, *Comp.* 94.

79. *Consts.*, §360.

80. *Consts.*, §360.

81. 1849 p. 52, *Comp.* 24; *Comm. Gen. R.*, 1857 pp. 107-114, *Comp.* 32, 41 (40); *Comm. J.*, 1875 p. 231, *Comp.* 175, 176, *modifying* Thorne G. M., 1875 p. 30, *Comp.* 163, 168 (34), by striking out the words "unless By-laws prescribe otherwise;" *Comm. J.*, 1929 p. 206, 207, *Comp.* 963, *modifying* Matter of Ramapo Lodge No. 589, 1929 p. 110, *Comp.* 938.

82. See *infra*, §773.

83. *Consts.*, §360.

[§728] (3) Return of Fee—(a) To Petitioner—(aa) Who Was Rejected. The Constitutions require that all fees paid by a petitioner who has been rejected shall be returned to him.⁸⁴

[§729] (bb) Whose Petition Returned Because Wrongfully Received. Where a petition is received from a candidate living out of the jurisdiction of the Lodge in which his petition is offered and the petition is dismissed as soon as this fact is ascertained, the fee paid should be returned to him.⁸⁵

[§730] (cc) Who Has Removed Prior to Election. If a petitioner has removed to another jurisdiction before his election and the Lodge is obliged none the less to ballot on his petition, the money received from him may be returned to him, if the degrees are not conferred, upon vote of the Lodge, unless such return is prohibited by the by-laws of the Lodge.⁸⁶

[§731] (dd) Who Fails to Appear for Initiation or to Sign By-Laws. If a petition for initiation is acted upon favorably and the candidate fails to appear for initiation, the fees must be returned unless the petition contains a contrary provision.⁸⁷ So if a brother elected for affiliation notifies the Lodge that he has changed his mind and does not wish to join, the fee which accompanied his petition should be returned.⁸⁸

[§732] (b) To Brother Whose Advancement Stopped—(aa) By Ballot. If, after initiation, the advancement of a brother is stopped by a rebalot, the return of his fees is not permissible.⁸⁹

[§733] (bb) Because of Wrongful Initiation. Where a Lodge has unlawfully initiated a physically defective candidate who is not entitled to further advancement, the Lodge should return his initiation fee.⁹⁰

[§734] (c) To Petitioner for Affiliation. If a petition for affiliation is rejected, the fee accompanying the same should be returned.⁹¹ If the petition is granted and the brother fails to complete his membership, the Lodge may retain his fee or may waive its right and return the whole or any part thereof.⁹²

84. Consts., §360; Matter of Tappan Zee Lodge, etc., 1950 p. 50, *approved* 1950 p. 83.

85. King G. M., 1862 p. 28, Comp. 74, 83 (61).

86. Matter of Guardian Lodge U. D., 1915 p. 206, Comp. 713, 715.

87. Matter of Tappan Zee Lodge, etc., 1950 p. 50, *approved* 1950 p. 83.

88. Re Frank L. Simes Lodge No. 990, 1951 p. 22, *approved* 1951 p. 26.

89. Matter of Tappan Zee Lodge, etc., 1950 p. 50, *approved* 1950 p. 83. See also *infra*, §1052.

90. Matter of Living Stone Lodge No. 255, 1911 p. 264, Comp. 560, 561.

91. Matter of Tappan Zee Lodge, etc., 1950 p. 50, *approved* 1950 p. 83.

92. Matter of Island City Lodge, 1910 p. 560, Comp. 376, 379; Matter of Commonwealth Lodge, 1910 p. 574, Comp. 394, 397.

[§735] (C) Fee for Second or Third Degree—(1) Generally Not Permitted. The Constitutions provide that the second and third degrees shall be conferred without fee.⁹³

[§736] (2) Applies Only to Lodge which Received Initiation Fee. The rule enunciated in the preceding section applies only to the Lodge which received the initiation fee and does not prohibit a Lodge which advances a brother initiated or passed in a Lodge which has ceased to exist from charging its fixed affiliation fee.⁹⁴

[§737] (XXV) Fixing Number of Committeemen. Except in the case of an investigating committee, a Lodge may fix the number of individuals who shall compose a committee.⁹⁵

[§738] (XXVI) Funds—(A) Consist of What—(1) Rule Stated. It has been stated broadly that all funds received by a Lodge or any instrumentality thereof, no matter from what source derived, are Lodge funds and this fact is not capable of alteration by any contrary statement or declaration⁹⁶ and they have been held to include moneys received from initiation fees and dues,⁹⁷ money realized from assessments,⁹⁸ moneys collected by the members of a Fellowcraft Club and deposited with the Lodge Treasurer as such⁹⁹ and a charity fund composed of a part of the initiation fees and of other moneys paid into the fund by the Lodge or contributed thereto by members.¹

[§739] (2) Do Not Include Deposit with Petition. The deposit accompanying a petition for initiation is not money belonging to the Lodge before action is had on the petition.² It forms a part of the

93. Consts., §360; Gibson G. M., 1869 p. 42, Comp. 133; Thorne G. M., 1875 p. 30, Comp. 163, 168 (34), modified on another point 1875 p. 231, Comp. 175, 176; Comm. J., 1879 p. 100, Comp. 202.

94. Matter of Triumph Lodge U. D., 1910 p. 559, Comp. 374, 376.

Earlier Thorne G. M., 1876 p. 29, Comp. 178, 182 (xxii), had decided that an Entered Apprentice of a Lodge which had lost its charter was entitled, if accepted in another Lodge, to advancement without charge, but said: "I do not deem the law equitable, but the conclusion seems to me unavoidable."

95. Matter of Piatt Lodge No. 194, 1950 p. 52, approved 1950 p. 83.

Investigating committee, see *supra*, §530.

96. Brown G. M., 1946 p. 81 (13), approved 1946 p. 101, 103.

97. Richardson G. M., 1927 p. 132, Comp. 892 (3), approved 1927 p. 245, Comp. 897.

98. In the Matter of Hill Grove Lodge No. 540, 1910 p. 448, Comp. 435, 436; Richardson G. M., 1927 p. 132, Comp. 892 (3), approved 1927 p. 245, Comp. 897; In the Matter of St. Paul's Lodge No. 124, 1930 p. 153, Comp. 982, 987, approved 1931 p. 217, Comp. 1049.

99. Amicable Lodge No. 665, 1944 p. 40, approved 1944 p. 80-81; Re Progressive Lodge No. 354, 1951 p. 25, approved 1951 p. 26.

1. Matter of Hiram Lodge No. 105, 1929 p. 101, Comp. 925, approved 1929 p. 206, Comp. 963.

2. Lewis G. M., 1859 p. 28, Comp. 56, 59 (31), the by-laws providing for its return in case of rejection.

petition and does not go into the funds of the Lodge until affirmative action shall have been taken on the petition. It forms a part of the initiation fee in case of the candidate's acceptance, or is to be returned to him by the Secretary in case of his rejection.³

[\$740] (3) Do Not Include Funds Transferred to Established Trust. When a Lodge has properly made a complete transfer of a part of its funds for the establishment of a public charitable trust, such funds no longer constitute a part of the Lodge funds and are not subject to disposition by the Lodge despite the facts that the trustees of the fund are elected by the Lodge and are required to make periodical reports to it.⁴

[\$741] (B) Control of Lodge Funds—(1) General Statement. Within certain limits,⁵ a Lodge has absolute control over its own funds and may make such disposition of them as it may deem proper, if it be prepared to meet all engagements which the laws and usages of the Fraternity impose upon it.⁶

[\$742] (2) Naming Depository of Funds. A by-law may require the Lodge funds to be deposited in a bank designated by the Lodge.⁷

[\$743] (C) How Lodge Funds Disbursed—(1) Must Be by Order of Lodge—(a) Rule Stated Generally. The control of Lodge funds must remain with the Lodge⁸ and they may be disbursed only in the manner provided by the Constitutions, that is by the Treasurer, by order of the Lodge, when certified by the Master and Secretary.⁹ The order of the Lodge is a *sine qua non* of each payment,¹⁰ even though a fund raised by voluntary contributions be earmarked by the donors and not usable for any other than the designated purpose,¹¹ and no

3. King G. M., 1862 p. 28, Comp. 74, 80 (43).

4. In the Matter of King Solomon Lodge No. 279, 1932 p. 157, *approved* 1933 p. 179, Comp. 1081, 1091.

5. See *infra*, §§743-755.

Right of Grand Lodge to Interfere, see *supra*, §96.

6. Comm. Cond. M., 1863 p. 173, Comp. 94, 95; Mollenhauer G. M., 1933 p. 180, 181, *approved* 1933 p. 180, Comp. 1110.

7. Comm. J., 1916 p. 201, Comp. 791, *approving* In the Matter of New York Lodge, 1915 p. 212, Comp. 723.

Duty of Trustees if Lodge fails to designate, see *infra*, §1044.

8. In the Matter of Hiram Lodge No. 105, 1929 p. 101, Comp. 925, 928, *approved* 1929 p. 206, Comp. 963; In the Matter of St. Paul's Lodge No. 124, 1930 p. 153, Comp. 982, 987,

approved 1931 p. 217, Comp. 1049; In the Matter of King Solomon Lodge No. 279, 1932 p. 157, *approved* 1933 p. 179, Comp. 1081, 1086.

9. Consts., §312; In the Matter of Olympia Lodge No. 808, 1910 p. 475, Comp. 473, 485; In the Matter of Plattsburgh Lodge No. 828, 1913 p. 254, Comp. 629, 636; In the Matter of Anthon Lodge No. 769, 1932 p. 151, *approved* 1933 p. 178, Comp. 1072, 1073; Amicable Lodge No. 665, 1944 p. 40, *approved* 1944 p. 80-81.

10. In the Matter of Plattsburgh Lodge No. 828, 1913 p. 254, Comp. 629, 636; Matter of Rising Star Lodge No. 450, 1942 p. 53, *approved* 1942 p. 119, Comp. 1204, 1208; Eden Lodge No. 1039, 1943 p. 56.

11. Matter of Rising Star Lodge No. 450, 1942 p. 53, *approved* 1942 p. 119, Comp. 1204, 1208.

by-law is valid which undertakes to substitute for the vote of the Lodge membership the action of the Master,¹³ Trustees,¹³ a committee,¹⁴ or any body¹⁵ such as the Board of Directors of a Masonic club.¹⁶

[§744] (b) Acting by Designated Agent. Since any aggregate body in many matters can act only through the medium of selected representatives, the rule stated in the preceding section does not prevent a Lodge, by express order, from directing the making of proper expenditures through agents or representatives acting on its behalf.¹⁷

[§745] (c) May Impose Additional Restrictions. So long as disbursements are made only on actual order of the Lodge, the latter may impose additional restrictions, such as requiring a previous favorable recommendation by a designated committee to expend a special fund¹⁸ or requiring checks to be signed by the Master or Acting Master and Secretary.¹⁹

[§746] (2) Benevolences and Charity—(a) Masonic. A Lodge may make such appropriation for the voluntary relief of worthy and indigent Masons, their wives, children, widows or orphans, as may be

12. Matter of Rising Star Lodge No. 450, 1942 p. 53, *approved* 1942 p. 119, Comp. 1204, 1206; Matter of By-Laws of Eden Lodge No. 1039, 1943 p. 62, *approved* 1943 p. 131, holding void a by-law which authorized the appropriation to each new Master of a specified sum as his budget to be used as he might see fit.

13. Matter of Tyrian Lodge No. 618, 1946 p. 87, 90, *explained* Comm. J., 1946 p. 101, 103.

14. In the Matter of Hiram Lodge No. 105, 1929 p. 101, Comp. 925, 928, *approved* 1929 p. 206, Comp. 963; In the Matter of Beethoven Lodge No. 661, 1931 p. 155, Comp. 1047, *approved* 1931 p. 217, Comp. 1049; In the Matter of Olympia Lodge No. 808, 1932 p. 152, 153, *approved* 1933 p. 178, Comp. 1074, 1077; In the Matter of King Solomon Lodge No. 279, 1932 p. 157, *approved* 1933 p. 179, Comp. 1081, 1086; Klinck G. M., 1939 p. 53, 55, *approved* 1939 p. 117, Comp. 1148; Eden Lodge No. 1039, 1943 p. 56.

15. In the Matter of Olympia Lodge No. 808, 1932 p. 152, 153, *approved* 1933 p. 178, Comp. 1074, 1077.

16. In the Matter of St. Paul's Lodge No. 124, 1930 p. 153, Comp. 982, 987, *approved* 1931 p. 217, Comp. 1049.

17. Matter of Rising Star Lodge No. 450, 1942 p. 53, *approved* 1942 p. 119, Comp. 1204; Comm. J., 1946 p. 101, 103, *explaining* Matter of Tyrian Lodge No. 618, 1946 p. 87.

The suggested procedure in such case is as follows: The Lodge, having authorized disbursements by an individual, the Secretary and Master should certify to the Treasurer the individual payments decided upon by such authorized person and upon receipt of such certification the Treasurer should make such payments. The agent should promptly report his action to the Lodge in such detail as the Lodge desires. Matter of Rising Star Lodge No. 450, 1942 p. 53, 55, *approved* 1942 p. 119, Comp. 1204, 1207.

18. In the Matter of Olympia Lodge No. 808, 1932 p. 152, 154, *approved* 1933 p. 175, Comp. 1074.

19. Comm. J., 1916 p. 201, Comp. 791, *approving* Matter of New York Lodge No. 330, 1915 p. 212, Comp. 723, which *reversed* Matter of New York Lodge No. 330, 1914 p. 194, Comp. 688.

proper.²⁰ Thus a Lodge may donate a sufficient sum of money to pay the dues of a member who has been unaffiliated for non-payment²¹ or may donate to a clergyman a sum equivalent to the amount paid by him as his initiation fee.²²

[§747] (b) **Non-Masonic.** A Lodge may make expenditures from its funds for benevolent purposes disconnected from Masonry if its ability to meet all its obligations is not thereby impaired.²³ If, however, payment of such a donation would create a deficit or bring the funds so low that the Lodge's other obligations must be met by assessment, it is prohibited as unconstitutional, for a member of a Lodge is not compellable, indirectly or directly, to contribute to benevolent purposes disassociated from Masonry.²⁴

[§748] (3) **Convivial Entertainment.** There is no constitutional limitation or regulation against expenditure of Lodge funds for entertainment purposes²⁵ and the right of a Lodge to allocate a part of its initiation fee for entertainment purposes has been recognized.²⁶ Even where a Lodge by-law limits the use of its funds to "necessary expenses," it would seem that the question should be left with the Lodge, whose members create the treasury and presumably know best how it should be used, and in the absence of anything which would justify a charge of unmasonic conduct, it is difficult to perceive why Grand Lodge or the Grand Master should interfere with its action.²⁷

[§749] (4) **Debt on Temple.** It is not unconstitutional or contrary to Masonic usage for the Lodges of a city to use Lodge funds in such amount as they may agree upon for the purpose of aiding in paying the indebtedness represented by the first mortgage upon the

20. Consts., §372.

21. Crane G. M., 1863 p. 18, Comp. 90 (2), approved 1863 p. 173, Comp. 94.

22. Crane G. M., 1863 p. 18, Comp. 90 (6), approved 1863 p. 173, Comp. 94, 95.

23. Lewis G. M., 1859 p. 28, Comp. 56, 57 (18); In the Matter of Anthon Lodge No. 769, 1932 p. 151, approved 1933 p. 178, Comp. 1072; In the Matter of King Solomon Lodge No. 279, 1932 p. 157, approved 1933 p. 177, 179, Comp. 1081.

24. Matter of Construction, 1910 p. 451, Comp 438, 447-448.

25. In the Matter of Anthon Lodge No. 769, 1932 p. 151, approved 1933 p. 178, Comp. 1072, 1073.

Compare 1864 p. 136, Comp. 102, where, on recommendation of the Committee on Condition of Masonry,

Grand Lodge adopted a resolution that, as a general rule, a Lodge has no right to appropriate its funds for the purpose of convivial entertainment although the committee stated that if the by-laws, or long and unbroken usage, recognized such entertainment, as on the anniversary of St. John the Baptist or St. John the Evangelist, the expense of which is defrayed from the Lodge treasury, they form exceptions to the rule laid down in the resolution.

26. See *supra*, §723.

27. Matter of Scotia Lodge, 1910 p. 504, Comp. 298, 301, where interest in the Lodge was waning and the Master felt that something, in this instance a banquet, was necessary to awaken it.

Masonic Temple in such city, provided the withdrawal of such Lodge funds will not impair the ability of the Lodge to meet the demands of Grand Lodge and charity.²⁸

[§750] (5) **Distribution Among Members.** Except for services actually rendered to the Lodge²⁹ or by way of charity,³⁰ a Lodge may not distribute its funds among its members.³¹

[§751] (6) **Loans to Members Not Permitted.** Lodge funds cannot lawfully be loaned out to members of the Lodge.³²

[§752] (7) **Paying Personal Pledge of Member Not Permitted.** Lodge funds may not be applied in payment of unpaid instalments of personal pledges made by members to a corporation organized to erect a Temple.³³

[§753] (8) **Reimbursing Fine or Costs of Trial Not Permitted.** A Lodge may not, out of its funds, reimburse a brother for a fine or costs imposed by a Masonic tribunal and paid by him.³⁴

[§754] (9) **Returning Arrears to Unaffiliate Not Restored Not Permitted.** A Lodge has no authority to return to an unaffiliated Mason whose restoration is denied the amount of accrued dues paid by him as a prerequisite to his application for restoration.³⁵

[§755] (10) **Returning Fees.** The circumstances under which a Lodge must, or should, return fees for the degrees or for affiliation have been considered elsewhere.³⁶

[§756] (XXVII) **Funeral Service.** It is permissible for a Lodge, if is so elect, to conduct the funeral services for an Entered Apprentice or Fellow Craft, if he or his family have indicated a wish that this be done.³⁷

28. Matter of Masonic Temple at Utica, 1913 p. 242, Comp. 612, 619.

29. In the Matter of Galileo Lodge No. 1052, 1933 p. 113, approved 1933 p. 179, Comp. 1104.

30. See *supra*, §746.

31. Consts., §372; In the Matter of Galileo Lodge No. 1052, 1933 p. 113, approved 1933 p. 179, Comp. 1104, 1106; Matter of Oneida Lodge No. 270, 1948 p. 48, approved 1948 p. 73; Matter of Justinian Lodge No. 1065, 1949 p. 27, approved 1949 p. 35; Re Progressive Lodge No. 354, 1951 p. 25, approved 1951 p. 26.

32. 2 Kane R., p. 11, Comp. 6; Richardson G. M., 1927 p. 132, Comp. 892 (3), approved 1927 p. 245, Comp. 697; In the Matter of Galileo Lodge

No. 1052, 1933 p. 113, approved 1933 p. 179, Comp. 1104, 1106.

33. In the Matter of Ramapo Lodge No. 589, 1929 p. 110, Comp. 938, approved 1929 p. 286, Comp. 963.

34. In the Matter of Galileo Lodge No. 1052, 1933 p. 113, approved 1933 p. 179, Comp. 1104, 1106.

35. Lewis G. M., 1859 p. 28, Comp. 56, 60 (42); Matter of Washington Lodge, 1910 p. 546, Comp. 357, 358; Matter of Mills, 1911 p. 250, Comp. 540; Matter of True Craftsman's Lodge No. 651, 1916 p. 168, Comp. 756, 758, approved 1917 p. 236, Comp. 806, 807; and *infra*, §1102.

36. See *supra*, §§728-734.

37. Opinion J, 1945 p. 77, approved 1945 p. 79.

[§757] (XXVIII) **Gambling, Lotteries or Gift Enterprises.** No premises dedicated to Masonic purposes may be used, employed or let for the operation or conduct of any gambling, lottery or gift enterprise in which the winner is to be determined by lot or chance.³⁸ While the acceptance of a donation from a lottery conducted in a state, other than New York, in which it was legal is not a violation of this edict, such acceptance is improper as tending to give the impression that the Lodge had a part in the drawing.³⁹

[§758] (XXIX) **Giving Certificate to Unaffiliate Who Pays Arrears**⁴⁰—(A) **Rule Stated.** It is the duty of a Lodge to grant a certificate to any brother who has been unaffiliated for non-payment of dues and subsequently pays them.⁴¹

[§759] (B) **Form of Certificate.** The Book of Constitutions prescribes no form for the certificate to be given to an unaffiliated brother who pays his arrears, but suggests the following:⁴²

TO WHOM IT MAY CONCERN, GREETING:

Standard Lodge, No. 2000, acknowledging the jurisdiction of the Grand Lodge of the State of New York.

THIS IS TO CERTIFY, that Brother *John Doe*, whose name appears in the margin hereof, is a Master Mason, that he was a member of this Lodge, and has paid all his indebtedness thereto, and ceased to be a member thereof.

In testimony whereof, we have caused this certificate to be signed by the Secretary, and the seal of the Lodge to be attached this 9th day of February, A.L., 5952.

(SEAL)

James Clerk, Secretary.

[§760] (XXX) **Incorporating or Organizing Under Benevolent Orders Law**⁴³—(A) **In General**—(1) **Right Recognized.** A Lodge has no corporate rights under the laws of the state,⁴⁴ but may obtain such

38. Edict Klinck G. M., dated December 31, 1936 who, in his address to the next Grand Lodge (1937 p. 27, Comp. 1129) said: "The purpose of the edict was to remind the Craft that Freemasonry is a law-abiding institution, and that what is forbidden by law must not be indulged in by Freemasons."

39. Matter of Manitou Lodge No. 106, 1939 p. 61, *approved* 1939 p. 118, Comp. 1154. *Cf.*, as showing the changed attitude toward lotteries, 1 Kane R. 7.

40. Right to demand, see *infra*, §1102.

Duty of Lodge refusing to restore to membership, see *infra*, §830.

41. Gibson G. M., 1870 p. 47, Comp. 154, 156.

42. Consts., p. 118 (6). See also Matter of Hyatt Lodge, 1911 p. 252, Comp. 543.

43. Duties, powers and privileges of incorporated Lodge, see *infra*, §§870-874.

44. King G. M., 1862 p. 28, Comp. 74, 83 (62), who said it could acquire such rights only by a special act of incorporation from the Legislature or by certificate from any supreme court or county judge, or from the mayor or recorder of the City where the premises were situated, as provided by Chapter 186, Laws of 1825.

rights and powers by availing itself of the provisions of the Benevolent Orders Law.⁴⁵ Such organization is recommended.⁴⁶

[§761] (2) **How Accomplished.** To organize under the Benevolent Orders Law, the Lodge elects, at a regular Communication held in accordance with the Constitutions of Grand Lodge and its own by-laws, three Trustees, who must be members thereof in full membership and in good and regular standing and files in the office of the Secretary of State a certificate of such election, signed and acknowledged by the first three elective officers, viz., the Master and Wardens, stating the time and place of such election and that the same was regular, the names of such Trustees and the terms, severally, for which they are elected to serve and the name of the Lodge for which they are elected.⁴⁷

[§762] (3) **Form of Certificate.** The certificate of election of Trustees under the Benevolent Orders Law may be in the following form:⁴⁸

State of New York }
County of *Suffolk* }

We, the undersigned, the first three elective officers of *Standard* Lodge, No. 2000, 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:

At a regular Communication of said Lodge, held at its Lodge-room in the (*naming place*), on the *6th* day of *March*, in the year 1951, in accordance with the Constitutions and General Regulations of the Grand Lodge aforesaid, and in conformity to its own By-Laws, the said Lodge being desirous of having the benefits and privileges conferred by Chapter 3 of the Consolidated Laws, known as "Benevolent Orders Law," did, then and there, regularly elect three Trustees for such Lodge, for the purposes aforesaid, and for the terms hereinafter specified.

The names of said Trustees, and the term, severally, for which they were elected and allotted to serve are as follows:

1. *John Doe*, whose term will expire on the day of the festival of St. John the Evangelist next after said election;

2. *Richard Roe*, whose term will expire in one year thereafter;
and

3. *John Fenn*, whose term will expire in two years thereafter.

The said persons are the first elected Trustees of said Lodge under said Law, and are and then were, members of said Lodge

45. Ben. Ord. L., §2, Consts., p. 122.

46. Re Schoharie Valley Lodge No. 491, 1951 p. 24, approved 1951 p. 26. See also §763, note.

47. Ben. Ord. L., §2, Consts., p. 122.

48. Consts., p. 125.

in full membership and in good and regular standing therein, and have been divided by lot by the officer making the certificate of election so that their respective terms shall expire as above specified.

In Testimony Whereof, the undersigned, the first three elective officers aforesaid, and being the Master and Wardens of said Lodge, have hereto set our hands, this 6th day of March, in the year 1951.

John Master, Master.
Richard Warder, Senior Warden.
Henry Williams, Junior Warden.

State of New York }
 County of Suffolk }

I, the undersigned, an officer duly authorized by law to take the acknowledgment of deeds, do hereby certify, that on the 7th day of March, in the year, 1951, in the Village of Asharokan Beach, in the said county, before me personally appeared *John Master*, *Richard Warder*, and *Henry Williams*, with whom I am personally acquainted, and know to be the Master and Wardens, and the first three elective officers of the Lodge specified in the foregoing certificate, and who have subscribed the same, and who, then and there, severally acknowledged to me the execution thereof. (*Signature of officer taking acknowledgment*)

[§763] (B) Reorganization of Incorporated Lodge. Any Lodge heretofore incorporated by the laws of this state, or thereby heretofore enabled to take and hold real or personal property, or both, may surrender its act of incorporation, charter or privilege so conferred upon it, and may become enabled to take and hold real or personal property, or both, under the provisions of this chapter, on making and filing a certificate in the manner specified in the preceding sections, and stating therein, in addition to what is required in such a certificate, the surrender of such act of incorporation, charter or privilege, specifying the same. The property theretofore held and possessed by it shall be fully vested in its Trustees, who shall have all the rights, powers and privileges, and be subject to all the provisions as the Trustees of a Lodge thus originally organized.⁴⁹

49. Ben. Ord. L., §6, Consts., p. 124. Reorganization Recommended.— In 1866 Grand Master Holmes said (1866 p. 19, Comp. 109, 112): "Our Senior Grand Warden eminently deserves our thanks for having procured the passage of a bill through the last Legislature, by which individual Lodges are now enabled to hold real estate through Trustees. This, of course, does away with all necessity for Lodges

applying for corporate powers. Several Lodges in this State are now holding real estate under such powers; but I suggest that it would be better that all such should cease their corporate existence and take advantage of this enabling act. The reasons for this suggestion must be apparent to every reflecting mind. One strong argument in its favor is found in the fact, that all Lodges in any given jurisdiction

[§764] (XXXI) Insuring Lodge Property. Grand Lodge has adopted a resolution earnestly recommending Lodges to guard against loss from fire by effecting a reasonable insurance upon their property and declaring that in future it would extend no relief to Lodges not so insured except under very peculiar circumstances.⁵⁰

[§765] (XXXII) Interfering with Prerogative of Master.⁵¹ The Master controls all work in the Lodge and the time and manner thereof and cannot be superseded in this by any by-law, rule of order or vote of the Lodge.⁵² Hence a by-law is void which attempts to restrict his choice of the personnel of committees⁵³ or which provides that the Lodge, by majority vote, may overrule his action in removing an appointed junior officer.⁵⁴

[§766] (XXXIII) Interfering with Right of Brother to Appeal. No action a Lodge may take can bar the right of a brother to appeal to the Grand Master or to Grand Lodge.⁵⁵

[§767] (XXXIV) Intoxicating Liquors. Intoxicating liquors shall not be allowed within the rooms of a Lodge.⁵⁶

[§768] (XXXV) Legislative. The legislative powers of a Lodge extend to all matters relating to its internal concerns, but such legislation must not be in derogation of the Constitutions, Ancient Landmarks or its own particular by-laws.⁵⁷

[§769] (XXXVI) Libraries. Grand Lodge has adopted resolutions recommending Lodges which are in a financial condition to do so to appropriate an annual sum for the purchase of Masonic books and periodicals and the establishment of Lodge libraries for the use of their members.⁵⁸

should stand on the perfect level of equality and the second one is, that no Lodge should have any existence save that which is derived from its warrant. If an incorporated Lodge should offend against the laws of the Fraternity the Grand Lodge might reclaim its warrant and such a Lodge still exist, as a Lodge, under its act of incorporation and the general laws of the State would sustain it, no matter how indefensible its position toward the Grand Lodge might be, so long as it would refrain from any act violative of its corporate existence."

50. 1857 pp. 107-114, Comp. 32, 35 (5).

51. Powers of Master, see *infra*, §§945-1008.

52. Gibson G. M., 1870 p. 45, Comp. 152, 153.

53. Matter of Nathan Hale Lodge

No. 1006, 1943 p. 52; Re The Prerogatives of a Master, 1947 p. 33, *approved* 1947 p. 154.

54. Mollenhauer G. M., 1933 p. 105, *approved* 1933 p. 177, 179, Comp. 1092.

55. Thorne G. M., 1876 p. 29, Comp. 178, 180 (xiii).

Right of appeal from Trial Commission, see *infra*, §§1444-1447.

56. Consts., §502.

The use of distilled liquors in Lodge room was discussed as early as 1815. 1 Kane R. p. 584, Comp. 6. Their use in Lodge rooms at the meetings of the Lodge was forbidden the following year. 2 Kane R. p. 10, Comp. 6.

57. Matter of New York Lodge No. 330, 1914 p. 194, Comp. 688, *reversed*, on another point, Comm. J., 1915 p. 212, Comp. 723.

58. 1857 pp. 107-114, Comp. 32, 40 (35), 43 (51).

[§770] (XXXVII) Limiting Nominations for Lodge Officers. A Lodge may enact a by-law which provides that nominations for officers may be made in a specified manner and at a specified communication and that no nomination may be made thereafter, but it may not declare that no one not so nominated would be eligible.⁵⁹

[§771] (XXXVIII) Limiting Number of Offices Held. A Lodge by by-law may restrict its members to the holding of but one office at the same time.⁶⁰

[§772] (XXXIX) Limiting Number of Ballots on Petition for Degrees. It was once declared that a by-law limiting the number of ballotings for a candidate was void⁶¹ but the question is now controlled by the Book of Constitutions.⁶²

[§773] (XL) Limiting Time for Candidate to Appear for Initiation. A Lodge by by-law may limit the time within which a candidate must present himself for initiation,⁶³ but may declare the initiation fee forfeited only under special conditions.⁶⁴

[§774] (XLI) Literary or Scientific Lectures. A Lodge may properly and lawfully hear appropriate literary or scientific lectures where it does not hinder or embarrass its work.⁶⁵

[§775] (XLII) Meeting-Place—(A) Necessity For. While, in early days, Lodges met at such times and places as the Master saw fit to congregate them, it has long been the settled policy that every Lodge should have a permanent meeting-place⁶⁶ and the securing and preparation of a suitable and safe place for meeting is now a *sine qua non* for securing a charter for a new Lodge.⁶⁷ Except by authority of a dispensation, a Lodge cannot legally confer degrees⁶⁸ or install its officers⁶⁹ outside a regular Lodge-room.

59. Matter of John Hancock Lodge No. 70, 1946 n. 76, approved 1946 p. 101, Comp. 101, 103.

60. Washington Lodge No. 240, 1943 p. 60, approved 1943 p. 131.

Such a by-law is not violated by the election of the Lodge Secretary as a representative to a Masonic association which owned the building in which the Lodge met. Washington Lodge No. 240, 1943 p. 60, approved 1943 p. 131.

61. Lewis G. M., 1859 p. 28, Comp. 56 (3).

62. Consts., §354.

63. Gibson G. M., 1869 p. 43, Comp. 134.

64. See *supra*, §§727.

65. Lewis G. M., 1859 p. 28, Comp. 56, 58 (25).

66. Matter of Paul Revere Lodge No. 929, 1916 p. 174, Comp. 765.

67. See *supra*, §439.

An apparent exception to this rule is found in The American Lodge of Research which, however, has no power to confer degrees (Consts., §333) and possibly in military Lodges (King G. M., 1862 p. 28, Comp. 74, 76, 114).

68. Comm. J., 1903 p. 226, Comp. 243.

Dispensation to confer degrees outside regular Lodge-room, see *supra*, §189.

69. Dispensation to install officers outside regular room, see *supra*, §204.

[§776] (B) May Be on Ground Floor. There is no inherent objection to a location of a Lodge-room on the ground floor of a building. The question in each case is one of fact as to whether the particular room in question is sufficiently guarded so that the ceremonies and proceedings which take place therein will not become known to unauthorized persons. This question must be determined by the officers and individual members of the Lodge which uses the room.⁷⁰

[§777] (C) Ornamentation of Lodge-Room—(1) Generally. In the ornamentation of a Lodge-room, the appropriate symbols of Masonry may with propriety be exhibited and there is no limit to be placed on the number or style of such decorations, except that of the taste of the brethren having direction of it.⁷¹

[§778] (2) Use of Delta or Triangle. The delta or triangle is one of the most ancient and revered emblems of Masonry, but is not a proper emblem to have suspended over the Master's chair to the exclusion of the letter G.⁷²

[§779] (D) Use of Meeting-Place for Non-Masonic Purposes. While there is nothing in the law of the Craft which prohibits Masons and other organizations, presumably acting under the provisions of the Benevolent Orders Law, from purchasing and holding together property for lodge rooms,⁷³ Grand Lodge, more than a century ago, directed that all Lodges under its jurisdiction hold their meetings only at such places as are, or may be, set apart for Masonic purposes.⁷⁴ Even without mandatory law, correct Masonic sentiment teaches that a room, under the 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.⁷⁵ It has been declared that a Lodge-room could not be used by political organizations, the Grand Army of the Republic, or by the Order of Temperance⁷⁶ and *a fortiori* by a Lodge of clandestine Masons.⁷⁷

70. Re Franklin Lodge No. 90, 1951 p. 24, approved 1951 p. 26.

71. Comm. Cond. M., 1862 p. 206, Comp. 87, 90.

72. King G. M., 1862 p. 28, Comp. 74, 84 (71), explained 1862 p. 206, Comp. 175.

73. Matter of Philanthropic Lodge No. 164, 1945 p. 51, approved 1945 p. 79.

Organization under Benevolent Orders Law, see *supra*, §§760-763.

74. 1832 p. 14, Comp. 21.

75. Thorne G. M., 1875 p. 30, Comp. 163, 171 (48), approved 1875 p. 231, Comp. 175.

76. Gibson G. M., 1870 p. 47, Comp. 154, 156.

77. Comm. Gen. R., 1857 pp. 107-114, Comp. 32, 37 (21).

[§780] (E) **Alternate Meeting-Places.** The Grand Master may permit a Lodge to have two Lodge-rooms,⁷⁸ but would not be justified in granting a blanket dispensation for one to meet from time to time, in the discretion of the Master, at some other place, not fixed by the request and not even requested by a vote of the Lodge.⁷⁹

[§781] (F) **Removal of Meeting-Place—(1) When Removal Permanent⁸⁰—(a) In General.** Except in the manner provided for in the Constitutions and discussed in the next succeeding five sections, the removal of a Lodge is an impossibility.⁸¹

[§782] (b) **Lodge Must Act at Stated Communication.** Action to remove a Lodge's place of meeting from the town, village or city named in its charter, or from one place to another in such town, village or city, can be taken only at a Stated Communication.⁸²

[§783] (c) **All Members of Lodge Must Be Summoned.** Before a Lodge can be removed from one place to another, all the members must be required to attend by a summons,⁸³ served at least ten days previously, stating the subject to be acted upon.⁸⁴

[§784] (d) **Form of Summons.** A summons to act on a proposed removal of the meeting-place of a Lodge may be in the following form:⁸⁵

Freetown, N. Y., February 16, 1951.

Bro. *John Doe*:

You are hereby summoned to attend a Stated Communication of *Standard Lodge, No. 2000*, to be held in its Lodge-room at *Freetown* on the *1st day of March, 1951*, at 8 P. M., to take action upon the proposed removal of this Lodge to the village of *Hopkins*.

By order of

John Master, Master.

(SEAL) *James Clerk, Secretary.*

78. Matter of Mt. Vernon Lodge of Java, 1910 p. 569, Comp. 388, 391.

Effect on jurisdiction, see *supra*, §461.

79. Matter of Paul Revere Lodge No. 929, 1916 p. 174, Comp. 765, 766, where the dispensation was sought because the regular room could not be secured for Special Communications.

80. Effect of removal on territorial jurisdiction, see *supra*, §460.

81. Thorne G. M., 1875 p. 30, Comp. 163, 170 (45), approved 1875 p. 231, Comp. 175. See also 1849 p. 52, Comp. 24, deciding that "a Lodge cannot re-

move beyond the limits prescribed by its warrant."

82. Consts., §343.

Stated and Special Communications defined, see *supra*, §22.

83. Consts., §343; Comm. Cond. M., 1857 p. 167, Comp. 44, 45 (ii); King G. M., 1862 p. 28, Comp. 74, 79 (36).

84. Consts., §343; Comm. Cond. M., 1857 p. 167, Comp. 44, 45 (ii); Matter of Downey, 1880 p. 55, Comp. 205.

Summons generally, see *infra*, §§994-1004.

85. Consts., p. 120 (9).

[§785] (e) **Two-thirds Vote Required for Removal.** A Lodge shall not remove its place of meeting from the town, village or city named in its charter, or from one place to another in such town, village or city, without the affirmative vote of two-thirds of the members present.⁸⁶

[§786] (f) **Sanction of Grand Master or Grand Lodge Required for Removal.** The removal of a Lodge from the town, village, city or portion of a city named in its charter must receive previous thereto the sanction of the Grand Master⁸⁷ or Grand Lodge,⁸⁸ but such permission is not pre-requisite to removal from one locality to another in the same village.⁸⁹

[§787] (2) **When Removal Temporary.** When emergencies have existed, dispensations have frequently been granted to Lodges to meet temporarily outside their regular meeting-places,⁹⁰ but no dispensation is required to hold communications in a room a few doors from the regular meeting-place after a fire has rendered the same temporarily unoccupiable.⁹¹

[§788] (XLIII) **Minutes of Proceedings—(A) Must Be Kept.** A Lodge must record its proceedings in its minutes.⁹²

[§789] (B) **Minutes May Be Kept in Foreign Language.** Grand Lodge has permitted a Lodge working in a foreign language to keep its minutes in such language, subject, however, to being obliged to render correct translations of the whole, or any portion thereof, when called upon by proper authority.⁹³

[§790] (C) **Particular Entries—(1) Objection to Initiation or Advancement or Demand for Ballot.**⁹⁴ The minutes should note the fact that objection has been made to the initiation or advancement of a candidate⁹⁵ or that a rebalot has been demanded and the action thereon,⁹⁶ but the name of the brother objecting⁹⁷ or making a demand for a new ballot⁹⁸ shall not be entered.

86. Consts., §343; King G. M., 1862 p. 28, Comp. 74, 79 (36).
Voting generally, see *infra*, §§842-844.

87. Consts., §343; Paige G. M., 1864 p. 25, Comp. 98, 101 (22), *approved* 1864 p. 164, Comp. 105; Gibson G. M., 1870 p. 47, Comp. 154.

88. Paige G. M., 1864 p. 25, Comp. 98, 101 (22), *approved* 1864 p. 164, Comp. 105; Gibson G. M., 1870 p. 47, Comp. 154.

89. In the Matter of Naurashank Lodge No. 939, 1933 p. 107, 108, *approved* 1935 p. 179, Comp. 1095, 1096.

90. Matter of Paul Revere Lodge No. 929, 1916 p. 174, Comp. 765, 766.

91. Matter of Monroe Lodge No. 173, 1945 p. 50, *approved* 1945 p. 79.

92. Consts., §320, subs. 3; Gibson G. M., 1870 p. 47, Comp. 154, 156.

93. Comm. Cond. M., 1857 pp. 165, 167, Comp. 44, 45.

94. Objection and demand for rebalot, see *supra*, §§560-574.

95. Gibson G. M., 1869 p. 43, Comp. 133, 134.

96. Matter of Arrest of Lodge Charter, 1911 p. 238, Comp. 523, 525.

97. Consts., §358; Matter of Munn Lodge, 1910 p. 534, Comp. 341.

98. Consts., §358; Thorne G. M., 1875 p. 30, Comp. 163, 166 (22), *approved* 1875 p. 231, Comp. 175.

[§791] (2) Report of Investigating Committee.⁹⁹ The nature of the report of an Investigating Committee, whether favorable or unfavorable, should not be placed in the minutes.¹

[§792] (3) Report of Trial Commission. Under the old practice, when trials were held by Lodge trial commissions, it was held that the report of such a commission should be spread in full upon the minutes.² Under the present Code of Procedure, adopted in 1942, it is the duty of the Proctor to notify the Lodge of which the accused is, or last was, a member of the decision of a Grand Lodge Trial Commission³ and it would seem that such notice should be entered in full in the Lodge minutes.

[§793] (4) Result of Ballot. The minutes should record the result of a ballot.⁴

[§794] (D) Minutes Must Be Read and Approved before Closing. The minutes of every communication, stated or special, shall be read, corrected, if necessary, and approved by the Lodge before it is closed.⁵

[§795] (E) Minutes Cannot be Altered or Expunged--(1) Rule Stated. When once read and approved, the minutes cannot be altered or expunged⁶ unless, perhaps, where they contain something improper to be written.⁷

[§796] (2) Error Corrected by Explanatory Minute. If, after the minutes have been read and approved, it should appear that an error had been made in the record, a minute explaining or correcting the same may be added thereto by vote of the Lodge at a subsequent Communication.⁸ Thus if an error in receiving a petition which does not conform to the Constitutions is discovered before this action is entered upon the minutes, no reference thereto should appear therein.

99. Investigating Committee, see *supra*, §§530-535.

1. Comm. Cond. M., 1875 p. 231, Comp. 175, 177, *modifying* Thorne G. M., 1875 p. 30, Comp. 163, 172 (53), and saying that neither the Constitution or Statutes required it and that they did not deem it expedient that the practice should be established.

2. Matter of Cryer, 1911 p. 222, Comp. 498, 499.

3. Code P., §113.

4. Matter of Arrest of Lodge Charter, 1911 p. 238, Comp. 523, 525; Matter of Suspension of Charter, 1911 p. 241, Comp. 526, 529.

5. Consts., §322; Thorne G. M., 1876 p. 29, Comp. 178, 182 (xxiii); Matter of Benevolent Lodge No. 28, 1936 p.

59, *approved* 1936 p. 128, Comp. 1123, 1127.

6. Consts., §322; Thorne G. M., 1876 p. 29, Comp. 178, 182 (xxiv); Richardson G. M., 1928 p. 211, Comp. 910 (3), *approved* 1928 p. 229, Comp. 916; Matter of Benevolent Lodge No. 28, 1936 p. 59, *approved* 1936 p. 128, Comp. 1123, 1127.

7. Paige G. M., 1864 p. 25, Comp. 98 (1), *approved* 1864 p. 164, Comp. 105; Gibson G. M., 1869 p. 47, Comp. 140, 141.

8. Consts., §322; Thorne G. M., 1876 p. 29, Comp. 178, 182 (xxiv); Matter of Park Lodge, 1911 p. 225, Comp. 503; Matter of Benevolent Lodge No. 28, 1936 p. 59, *approved* 1936 p. 128, Comp. 1123, 1127.

If it is discovered afterwards, there should be an entry on the minutes of a subsequent meeting to the effect that it having been discovered that the petition was wrongfully received, the same has been withdrawn.⁹

[§797] (F) **Minutes Are Prima Facie Evidence.** Lodge minutes, when approved, are *prima facie* controlling as to the result of a ballot¹⁰ or the service of a summons on a delinquent member.¹¹

[§798] (G) **Minutes Not to be Publicized.** It has been said that no resolution, no action taken by the Lodge, no part of the minutes of a Communication should ever be given publicity of any kind outside the Lodge.¹²

[§799] (XLIV) **Notices—(A) Generally.** A Lodge by-law is valid which requires the Secretary to state in the notices of Lodge meetings the names of candidates for proposal, election, initiation and affiliation.¹³

[§800] (B) **Manner of Mailing.** The practice of mailing to the members of a Lodge or any members of the Fraternity written or printed notices, giving names of candidates for degrees or names of those on whom Masonic degrees have been or will be worked, has been forbidden unless such notices are sent in sealed envelopes properly addressed and marked "Strictly Personal," and the use of unsealed envelopes or postal cards in transmitting such communications or summons has been positively forbidden.¹⁴

9. Richardson G. M., 1928 p. 211, Comp. 910 (3), *approved* 1928 p. 229, Comp. 916.

10. Matter of Park Lodge, 1911 p. 225, Comp. 503.

11. Matter of Mills, 1911 p. 251, Comp. 541, 542.

12. Owens G. M., Add. 1935 p. 6, 14, Comp. 1112, who added: "Strict adherence to this principle will prevent Lodges from venturing into forbidden fields."

13. Comm. J., 1917 p. 236, Comp. 806, 808, *approving*, Matter of Audubon Lodge, 1916 p. 180, Comp. 774, 776.

By-law Construed.—A by-law required that notices of "Stated Communication shall contain besides the notice itself a list of all 'Intentions to Propose' and all 'Propositions for Membership,' which shall have been read at the last previous Stated Communication, together with the names of candidates to be balloted for at the Communication; also the names of all

Brothers awaiting advancement in the various degrees, and no candidate shall be balloted for at any Communication unless his name shall have appeared in the notice of that Communication under the heading 'Candidates to be balloted for at this Communication.' The Master issued a notice for the Communication of May 30, 1907, putting all candidates for election under the heading "Awaiting Ballot." On that evening an Investigating Committee reported a candidate, who was elected and received his first degree. It was decided that the words "Awaiting Ballot" conveyed the same meaning as "Candidates to be balloted for at this Communication," and that the notice fixing the date of the Communication at which a ballot for candidates was to be held was sufficient. Matter of Civic Lodge, 1910 p. 551. Comp. 364.

14. Matter of Rosbottom, 1910 p. 523, Comp. 325. See also *infra*, §1003.

[§801] (XLV) Political Activity.¹⁵ No Lodge shall directly or indirectly use or attempt to use Free Masonry for or against any political activity, enterprise or candidacy; and it shall be unlawful for any Lodge by written letter or circular, or in any other manner, directly or indirectly, to solicit, or attempt to obtain votes for or against any candidate for political office, on the ground, or for the reason that such candidate is or is not a member of the Craft and therefore worthy or otherwise of political support.¹⁶

[§802] (XLVI) Precedence. Lodges shall take precedence according to the order in which they stand upon the roll of Grand Lodge¹⁷ and such precedence determines the right of the Master, under certain circumstances, to preside in Grand Lodge.¹⁸

[§803] (XLVII) Processions.¹⁹ The brethren of a Lodge may, at will, collectively join in civic processions, but Masonic clothing and insignia can be used, carried and/or worn only when engaged in Masonic duties.²⁰

[§804] (XLVIII) Providing for Additional and Emeriti Officers. A Lodge in its by-laws may provide for officers, to be either elected or appointed, in addition to those prescribed by the Constitutions.²¹ It may also designate an officer an Emeritus one.²²

[§805] (XLIX) Publishing Names of Persons Rejected, Suspended or Expelled. Grand Lodge has prohibited the publication, except it be to the Fraternity or within the walls of the Lodge, of the expul-

15. Political activity a Masonic offense, see *infra*, 1165.

16. Consts., §509.

The apparent approval of military training by the insertion in a Lodge bulletin of an announcement of the opportunities afforded by Citizens Military Training Camps was held contrary to Masonic practice in Re Citizens Military Training Camps, 1940 p. 83, Comp. 1165, approved 1941 p. 215, with the qualification that it "should not be accepted as going any further than to cover the situation presented to the Grand Master in this particular case . . . and . . . no further than the actual meaning of the words the Grand Master used."

17. Consts., §108.

18. See *supra*, §60.

19. Charter forfeited for, see *infra*, §1179.

20. Paige G. M., 1865 p. 24, Comp. 106, 107 (10), approved 1865 p. 195, Comp. 108; Comm. J., 1920 p. 160, Comp. 834, 835 (4), approving Matter of On-da-wa Lodge No. 820, 1919 p. 106, Comp. 815.

Masonic clothing at theatre disapproved. 1786 1 Kane R. p. 577, Comp. 6.

21. Consts., §302; Matter of Bunting Lodge No. 655, 1950 p. 38, approved 1950 p. 83, deciding that, notwithstanding the prerogative of the Master to determine the personnel of all committees, a Lodge may provide for the naming and election of one or more members to an Auditing Committee, whose duties shall include reviewing the books and records of the Secretary and Treasurer and possibly determining the regularity of bills.

22. Matter of Meridian Lodge No. 691, 1949 p. 23, approved 1949 p. 35.

sion of any member²³ and a Lodge has no right to publish the names of those stricken from the roll,²⁴ rejected, suspended or expelled.²⁵

[§806] (L) Receiving and Acknowledging Grand Master or District Deputy Grand Master. When the Grand Master or District Deputy Grand Master officially visits a Lodge, it becomes subject to his authority and direction, on his giving notice to the Master that he is present in the Lodge or ante-room for the purpose of official action or visitation²⁶ and it is the duty of the Lodge to receive and acknowledge him as such.²⁷

[§807] (LI) Receiving Communication from Grand Master. It is the duty of a Lodge to receive all communications from the Grand Master and place them on file or spread them on its minutes as the Lodge by its vote may direct. Such communications must be received and acted upon.²⁸

[§808] (LII) Recommending Formation of New Lodge. When the recommendation of a Lodge for the formation of a new Lodge is required,²⁹ the Lodge need not be summoned, nor need special notice of the presentation and consideration of a request for such recommendation be given to the members, and it may be acted upon when first presented at a Stated Communication.³⁰ A Lodge, after having given its consent to the foundation of a new Lodge, cannot revoke that consent at a subsequent Communication.³¹ It may, however, receive a second petition for a dispensation and take favorable action thereon, notwithstanding a prior refusal to recommend the petition.³²

[§809] (LIII) Recommending Restoration by Grand Lodge³³ of One Expelled—(A) In General. When a former member who has been expelled seeks the favorable recommendation of his former

23. 1815 1 Kane R. p. 577, Comp. 6.

24. King G. M., 1862 p. 28, Comp. 74. 85 (77).

25. Simons G. M., 1861 p. 18, Comp. 64, 65 (77). Cf. Comm. Gen. R., 1857 pp. 107-114, Comp. 32, 41 (41), to the effect that in every town or city, except New York or Brooklyn, where there is more than one subordinate Lodge, it shall be the duty of the Secretary of every such Lodge to furnish all other Lodges in the place the names of those who petition such Lodge for the degrees of Masonry, so that the other Lodges shall receive such notice at their next Communication; and also, give notice of all rejections as soon as they occur.

26. Gibson G. M., 1870 p. 47, Comp. 154, 156.

Right of Grand Master, see *supra*, §173.

Right of District Deputy, see *supra*, §§319-323.

27. Paige G. M., 1864 p. 25, Comp. 98, 102 (25), approved 1864 p. 164, Comp. 105.

Refusal to admit an offense, see *infra*, §1172.

28. Crane G. M., 1863 p. 18, Comp. 90 (5), approved 1863 p. 173, Comp. 94.

29. See *supra*, §§422-427.

30. Matter of Silver Springs Lodge, 1910 p. 420, Comp. 397, 403.

31. Comm. J. & Cond. M., 1868 p. 44, Comp. 121.

32. Matter of Silver Springs Lodge, 1910 p. 420, Comp. 397, 403.

33. Restoration by Grand Lodge, see *supra*, §§113-125.

Lodge in support of his petition to Grand Lodge for restoration, the Lodge should take some action thereon.³⁴

[\$810] (B) Recommendation for Restoration Must Be Adopted at Stated and Summoned Communication.³⁵ A resolution in favor of a petition for restoration by Grand Lodge must be adopted at a Stated Communication of the Lodge to which all the members have been duly summoned.³⁶

[\$811] (C) Majority Vote Sufficient to Recommend Restoration by Grand Lodge. In the absence of a controlling by-law, a majority vote is sufficient to adopt a recommendation to Grand Lodge for the restoration of one who has been expelled.³⁷

[\$812] (LIV) Reconsidering Lodge Action. The right of a Lodge to reconsider a motion must depend on its nature and the facts of the case³⁸ but, with certain exceptions noted *passim*,³⁹ there is no law in Masonry, or reason for a law, which will prevent it from reconsidering an action improperly or unadvisedly taken.⁴⁰

[\$813] (LV) Relief and Burial—(A) Generally. While the duty of assisting poor and distressed Master Masons, their widows and orphans, is so inflexible a rule of the Craft that no Lodge can be opened without expressly teaching this duty,⁴¹ the system of pecuniary benefits is unknown to Ancient Craft Masonry and is in conflict

34. Matter of Henry Karmel, Comm. Griev., 1921 p. 133, Comp. 841, 847, construing an earlier Code, which employed the same language as is used in Code P., §§502, 503, and saying that action is "expected if not in so many words directed by the Code."

Certificate Approved—In Matter of Peter Maria, Comm. Griev., 1921 p. 131, Comp. 839, 841, a certificate was approved which read: "At the Stated Communication of Lorillard Lodge No. 858, F. & A. M., held Monday evening, March 21st, 1921, to which the members thereof had been duly summoned, a resolution was adopted that Lorillard Lodge No. 858, F. & A. M., recommend to the Grand Lodge that the petition of Peter Maria for restoration, receive the favorable consideration and action of the Grand Lodge, and that the petition has the approval of Lorillard Lodge."

35. Stated and Special Communications defined, see *supra*, §22.

36. Code P., §503; Matter of Peter

Maria, Comm. Griev., 1921 p. 131, Comp. 838.

Summons generally, see *infra*, §§994-1004.

37. Matter of Riverhead Lodge No. 645, 1916 p. 186, Comp. 782, 783.

Voting generally, see *infra*, §§842-844.

38. Thorne G. M., 1875 p. 30, Comp. 163, 174 (61), *approved* 1875 p. 231, Comp. 175.

39. Reconsidering adverse ballot on petition for initiation, see *supra*, §§556-557.

Reconsidering consent to formation of new Lodge, see *supra*, §808.

Reconsidering granting of dimit, see *supra*, §667.

40. Thorne G. M., 1875 p. 30, Comp. 163, 174 (61), *approved* 1875 p. 231, Comp. 175.

41. Gibson G. M., Add. 1869 p. 27, Comp. 125, 129.

with its well-known principles⁴² and by-laws have been disapproved which required or allowed sick or funeral benefits to be paid by the Lodge⁴³ or provided for the payment to a members's widow or beneficiary, upon his death, of the sum paid by him for life membership.⁴⁴ Lodges do acts of charity and mercy, but these are duties not benefits.⁴⁵ The extent of the relief and when it shall be granted are in the control of the Lodge, which is not bound to give relief further than its means will permit, with just regard to other calls on its charity⁴⁶ and, although formerly a Lodge was forbidden to give Masonic relief to one who did not prove himself regularly affiliated,⁴⁷ it may even grant relief or Masonic burial to an unaffiliated⁴⁸ or non-affiliated⁴⁹ Mason.

[§814] (B) Where Brother Died in Jurisdiction of Another Lodge. In the absence of any positive law on the subject, the principles of equity and Masonic justice require that the funeral expenses of a deceased brother should be borne by the Lodge of which he was a member and not by the Lodge in whose care he might have died.⁵⁰

[§815] (C) Where Relatives or Property Legally Liable. In granting relief, a Lodge, in justice to itself and to other meritorious claims on its bounty, should scrutinize the case thoroughly and ascertain the facts. If the applicant has means of his own sufficient for his necessity, the application should be entirely denied. If there is any other person or property legally liable for and able or sufficient to meet the obligation of his support, these sources must be exhausted before the Lodge duty arises.⁵¹

[§816] (LVI) Requiring Signing of By-laws. While signing of the Lodge by-laws is necessary to the consummation of membership,⁵² the candidate may do as he chooses about signing.⁵³ Hence a by-law requiring every candidate to sign on being raised was disapproved.⁵⁴

42. Comm. Gen. R., 1857 pp. 107-114, Comp. 32, 35 (9); Simons G. M., 1861 p. 18, Comp. 64, 66 (24).

Not long before it had been declared that "Lodges may engraft benefits in their By-Laws." Willard G.-M., 1849 p. 52, Comp. 24.

43. Gibson G. M., 1870 p. 45, Comp. 152.

44. Matter of Bethel Lodge No. 733, 1917 p. 99, Comp. 796, approved 1918 p. 268, Comp. 812.

45. Gibson G. M., 1870 p. 45, Comp. 152.

46. Gibson G. M., 1869 p. 46, Comp. 138, 139.

47. Comm. Gen. R., 1857 pp. 107-114, Comp. 32, 41 (37).

48. Paige G. M., 1864 p. 25, Comp. 98, 101 (19), approved 1864 p. 164, Comp. 105.

49. King G. M., 1862 p. 28, Comp. 74, 87 (88).

50. King G. M., 1862 p. 28, Comp. 74, 81 (47).

51. Gibson G. M., 1869 p. 46, Comp. 138, 139.

52. See *supra*, §575.

53. Holmes G. M., 1867 p. 22, Comp. 115, 116 (iv), approved 1867 p. 49, Comp. 118; Gibson G. M., 1870 p. 45, Comp. 152.

54. Gibson G. M., 1870 p. 45, Comp. 152.

[§817] (LVII) Representation in Grand Lodge. A Lodge ordinarily is entitled to be represented in Grand Lodge by its Master, a Warden or a duly elected Proxy,⁵⁵ but this right is lost by its failure to pay its annual dues to Grand Lodge.⁵⁶

[§818] (LVIII) Restoring to Membership—(A) After Expulsion. No inherent power rests in a Lodge to restore to the rights and privileges of Masonry one who has been expelled and thus to revive rights and privileges which may exist wholly apart from Lodge membership.⁵⁷ Such restoration is now the exclusive privilege of Grand Lodge, even the limited right which was formerly granted to a Particular Lodge having been abolished in 1942.⁵⁸

[§819] (B) After Suspension. Since the adoption of the present Code of Procedure in 1942, a Lodge is without power to interfere in the matter of a suspension imposed by a Trial Commission.⁵⁹

[§820] (C) After Unaffiliation for Non-Payment of Dues—(1) Is Matter of Discretion. At one time the Constitutions provided no direct mode by which a member could be restored after his name had been "stricken from the rolls" for arrears of dues,⁶⁰ but the Constitutions now provide that a Lodge may restore to membership a brother who has been unaffiliated for non-payment of dues.⁶¹ Such restoration, however, is a concession and not a right⁶² and a Lodge cannot be compelled to restore a regularly unaffiliated brother.⁶³

55. See *supra*, §41.

56. Consts., §324.

57. In the Matter of Radiant Lodge No. 739, 1932 p. 146, *approved* 1933 p. 178. Comp. 1063, 1066.

Effect of restoration by Grand Lodge, see *supra*, §125.

58. Code P., §500 *et seq.*

The historical student may find the decisions under the former practice in Handbook of Masonic Law (1st ed.) §§704-712.

59. May be modified or reversed on appeal, see *infra*, §127.

60. Comm. Cond. M., 1859 p. 258, Comp. 60, 61, the committee saying that it entertained no doubt of the propriety of restoring the brother by a vote of the Lodge on the payment of his dues, but recommending an amendment to the Constitutions. Subsequently it was provided (Consts. 1854, §49, as amended 1861 p. 199) that he might "be restored by a vote of two-thirds of the members present at any stated meeting of the lodge," provided he applied for restoration within one year

from the time when he was stricken. At the expiration of a year, a brother so stricken became entirely unaffiliated, i. e., nonaffiliated, by operation of law, and could be restored only by regular process of affiliation. Thorne G. M., 1875 p. 30, Comp. 163, 164 (13), *approved* 1875 p. 231, Comp. 175.

61. Consts., §367.

62. In re Ehlers, 1910 p. 545, Comp. 355; In the Matter of St Albans Lodge No. 56, 1913 p. 227, Comp. 592, 594; Matter of True Craftsman's Lodge No. 651, 1916 p. 168, Comp. 756, 758, *approved* 1917 p. 236, Comp. 806, 807; In the Matter of Mosaic Lodge No. 418, 1932 p. 144, *approved* 1933 p. 178, Comp. 1061, 1063; Matter of Caxton Lodge No. 960, 1947 p. 37, *approved* 1947 p. 154; Matter of Canaseraga Lodge No. 781, 1947 p. 37, *approved* 1947 p. 154.

63. Gibson G. M., 1869 p. 47, Comp. 140; In the Matter of the Status, etc., 1933 p. 111, *approved* 1933 p. 179, Comp. 1101, 1103.

Restoration where unaffiliation unlawful, see *supra*, §316.

[§821] (2) **Lodge Must Act on Application for Restoration.** While as shown in the preceding section, a Lodge may restore an unaffiliated brother or not, it is bound to act upon a petition for restoration within a reasonable time.⁶⁴ Hence a by-law providing for an Investigating Committee which "shall report within two weeks, unless the term shall be extended by the Lodge" is invalid, since no time was practically fixed for the report of the committee and, under such a by-law, unaffiliation might, in the discretion of the Lodge, be converted into definite suspension.⁶⁵

[§822] (3) **Restoration Cannot be Posthumous.** Restoration of an unaffiliated Mason must be in his lifetime and cannot be posthumous.⁶⁶

[§823] (4) **Investigating Committee.** A Lodge may appoint an Investigating Committee on the application for reinstatement of an unaffiliate notwithstanding the Constitutions do not in express terms sanction such Committee,⁶⁷ but a by-law is void which requires a favorable report by such a committee before an unaffiliate may be restored.⁶⁸

[§824] (5) **Discharge of Arrears Required—(a) Rule Stated.** The amount of dues owing at the time of unaffiliation must be paid,⁶⁹ remitted⁷⁰ or discharged⁷¹ as a condition precedent to restoration.

[§825] (b) **Charge in Addition to Arrears Not Permitted.** A Lodge by-law is void which, as a condition precedent to restoration, imposes any charge beyond the payment of arrears⁷² and a Lodge has not the

64. In the Matter of St. Albans Lodge No. 56, 1913 p. 227, Comp. 592, 594; Matter of True Craftsman's Lodge No. 651, 1916 p. 168, Comp. 756, approved 1917 p. 236, Comp. 806, 807; Matter of Caxton Lodge No. 960, 1947 p. 37, approved 1947 p. 154; Matter of Canaseraga Lodge No. 781, 1947 p. 37, approved 1947 p. 154.

65. In the Matter of St. Alban's Lodge No. 56, 1913 p. 227, Comp. 592, 595.

66. Re Posthumous Reaffiliation, etc., 1947 p. 39, approved 1947 p. 154, where a profane, learning a few hours before the death of his brother-in-law that the latter's widow would not receive Masonic help since her husband had been unaffiliated for a number of years, paid the amount of the indebtedness to the Lodge Secretary and the Lodge after the death attempted to restore deceased to good standing.

67. In the Matter of St. Alban's

Lodge No. 56, 1913 p. 227, Comp. 592, 595.

68. Mollenhauer G. M., 1934 p. 153, 154, approved 1935 p. 121, Comp. 1111.

69. Consts., §367; Lewis G. M., 1859 p. 25, Comp. 56, 59 (41); Simons G. M., 1861 p. 18, Comp. 64, 66 (20); Thorne G. M., 1876 p. 29, Comp. 178, 179 (iv); Matter of Caxton Lodge No. 960, 1947 p. 37, approved 1947 p. 154; Matter of Canaseraga Lodge No. 781, 1947 p. 37, approved 1947 p. 154.

70. Simons G. M., 1861 p. 18, Comp. 64, 66 (20); Matter of Caxton Lodge No. 960, 1947 p. 37, approved 1947 p. 154; Matter of Canaseraga Lodge No. 781, 1947 p. 37, approved 1947 p. 154; Matter of Live Oak Lodge No. 1024, 1947 p. 40, approved 1947 p. 154.

71. Lewis G. M., 1859 p. 25, Comp. 56, 59 (41).

72. Mollenhauer G. M., 1935 p. 64, 65, approved 1935 p. 122, Comp. 1112, a "charge of \$15.00"; Matter of Caxton Lodge No. 960; Matter of Canaseraga Lodge No. 781, 1947 p.

right even to request a brother applying for restoration to pay the cost of summoning the Lodge.⁷³

[§826] (6) Vote for Restoration—(a) Required and Regulated by Constitutions. A vote of the Lodge is required for restoration.⁷⁴ The manner of voting is governed by the Constitutions⁷⁵ and a Lodge cannot require any stricter rule in the ballot or vote than Grand Lodge prescribes, a brother being entitled to the benefit of the most liberal provision.⁷⁶

[§827] (b) Vote for Restoration When Taken. A vote on the application of an unaffiliated brother for restoration may be taken at any Stated Communication of the Lodge.⁷⁷

[§828] (c) Manner of Voting When Unaffiliated Less than Five Years. When a brother has been unaffiliated less than five years, restoration may be granted by a majority vote⁷⁸ and taken by show of hands,⁷⁹ even though it is the request of the applicant or any other person that it be taken otherwise.⁸⁰

[§829] (d) Manner of Voting for Restoration when Unaffiliated Five Years or More. A brother unaffiliated for non-payment of dues who has remained unaffiliated for five years or more can be restored only by a secret ballot which requires a unanimous vote.⁸¹ On such a vote the Master may twice destroy the ballot without announcing the result.⁸²

37, *approved* 1947 p. 154, the payment to it of a business debt; Matter of Tappan Zee Lodge No. 1125, 1950 p. 50, 52, *approved* 1950 p. 83.

73. Matter of Riverhead Lodge No. 645, 1916 p. 186, *Comp.* 782, 784.

74. In the Matter of the Status, etc., 1933 p. 111, *approved* 1933 p. 179, *Comp.* 1101, 1103.

75. *Consts.*, §367.

76. *Comm. J.*, 1865 p. 196, *Comp.* 108, 109 (2), declaring it not optional to require a clear ballot when the Constitutions provided for a two-thirds vote; *Re Manner of Vote, etc.*, 1945 p. 55, *approved* 1945 p. 79, by show of hands when unaffiliated for less than five years, irrespective of the request or desire of any person.

77. *Consts.*, §367.

78. *Consts.*, §367; Thorne G. M., 1876 p. 29, *Comp.* 178, 179 (iv); Anthony G. M., 1881 p. 35, *Comp.* 211, 212 (3), whose ruling that if the

brother failed to receive a majority vote by show of hands on a first application he could be elected subsequently only by a unanimous secret ballot was disapproved 1882 p. 75, 76; Matter of Caxton Lodge No. 960, 1947 p. 37, *approved* 1947 p. 154; Matter of Canaseraga Lodge No. 781, 1947 p. 37, *approved* 1947 p. 154.

79. *Consts.*, §367; Anthony G. M., 1881 p. 35, *Comp.* 211, 212 (3); Matter of Caxton Lodge No. 960, 1947 p. 37, *approved* 1947 p. 154; Matter of Canaseraga Lodge No. 781, 1947 p. 37, *approved* 1947 p. 154.

80. *Re Manner of Vote, etc.*, 1945 p. 55, *approved* 1945 p. 79.

81. *Consts.*, §367; *In re Ehlers*, 1910 p. 545, *Comp.* 355, 357; Matter of Washington Lodge, 1910 p. 546, *Comp.* 357, 358; Matter of Mills, 1911 p. 250, *Comp.* 540.

82. Matter of Anglo-Saxon Lodge No. 137, 1945 p. 73, *approved* 1945 p. 79.

[§830] (7) **Certificate When Restoration Refused.** If an unaffiliated brother who has paid his arrears is denied reinstatement, it will be the duty of the Lodge to grant him a certificate that he is clear on the books,⁸³ which the Secretary may issue without a vote of the Lodge.⁸⁴

[§831] (LIX) **Returns and Payments to Grand Lodge.** It is the duty of each Lodge to make annual returns and to make certain annual payments to Grand Lodge and neglect of a Lodge to make returns and pay dues for two consecutive years shall subject it to forfeiture of its charter⁸⁵ and failing to pay its dues for one year shall not be entitled to be represented in Grand Lodge.⁸⁶ It must pay an affiliation fee, whether it receive an adjoining member with or without fee,⁸⁷ and a full year's dues on all members embraced in its last previous return,⁸⁸ whether they were suspended⁸⁹ or had had their dues refunded,⁹⁰ but no dues for members made or affiliated during the year for which the return is made.⁹¹

[§832] (LX) **Seal.** Except Lodges under dispensation,⁹² every Lodge shall have a seal,⁹³ which must be suitable for the purpose for which used, that is to attest, easily and securely, the action of the Lodge in written or printed instruments.⁹⁴

[§833] (LXI) **Showing Cause Why Action Should Not Be Set Aside.** When a Lodge is duly required to show cause before the Grand Master why its action should not be set aside and none is shown, the action may be set aside if it appear to have been unlawful or irregular.⁹⁵

[§834] (LXII) **Standard Work—(A) Rule Stated—(1) Generally.** Every Lodge shall practice the Standard Work and Lectures adopted by Grand Lodge.⁹⁶ No characters shall be added or substituted un-

83. Matter of Mills, 1911 p. 250, Comp. 540; 1917 p. 236, Comp. 806, 807, *approving* Matter of True Craftsman's Lodge, 1916 p. 168, Comp. 756. See also *supra*, §§758-759 and *infra*, §1102.

84. Matter of Caxton Lodge No. 960, 1947 p. 37, *approved* 1947 p. 154; Matter of Canaseraga Lodge No. 781, 1947 p. 37, *approved* 1947 p. 154.

85. Consts., §§324, 336, subs. 5. Duty of Secretary, see *infra*, §1025. Amounts payable by Lodge, see *supra*, §131.

86. Consts., §324.

87. King G. M., 1862 p. 28, Comp. 74, 86 (84).

88. Consts., §602.

89. Consts., §368.

90. Paige G. M., 1864 p. 25, Comp. 98, 100 (11), *approved* 1864 p. 164, Comp. 105.

91. Consts., §602.

92. See *infra*, §879.

93. Consts., §320.

94. Gihson G. M., 1870 p. 47, Comp. 154, 156.

95. Gihson G. M., 1869 p. 46, Comp. 138, 139.

96. Consts., §366; Simons G. M., 1861 p. 18, Comp. 64, 66 (28); King G. M., 1862 p. 28, Comp. 74, 84 (67); Paige G. M., 1864 p. 25, Comp. 98, 100 (10), *approved* 1864 p. 164, Comp. 105; Gihson G. M., 1869 p. 47, Comp. 140, 141.

Failure an offense, see *infra*, §1197.

less such additions or substitutions be authorized by Grand Lodge and there shall be no dramatization of any portion of the first or second degree.⁹⁷

[§835] (2) Of Another Jurisdiction. By dispensation, a Lodge may permit the conferring of any degree, or any part thereof, in accordance with the standard work and lectures practiced in another jurisdiction, with which Grand Lodge stands in fraternal relationship, by an accredited brother from such jurisdiction.⁹⁸ It may permit such visitors to give an exemplification of their own work on a dummy candidate without dispensation.⁹⁹

[§836] (B) Conferring Non-Masonic Degrees Not Permitted. A Lodge cannot be opened for the Master to confer, or to allow others to confer, degrees other than those of Free and Accepted Masonry¹ and it has been declared highly censurable for a Lodge to "call off" from its work for the purpose of conferring the so-called "female degrees" and then resume its labors.² Nor should any non-masonic organization be permitted to exemplify degrees before the members in a Lodge-room, even though the Lodge shall have been closed.³

[§837] (C) Standard Work How Imparted. It is not proper for any person to impart the work and lectures without being duly authorized, unless it is a competent brother invited by a Master or one of the Wardens to officiate for the time being, while engaged in the regular labors of the Lodge,⁴ or for a Lodge to hold meetings for the purpose of instructing the brethren in the Standard Work and lectures by others than its own officers and members, unless the person so giving instruction is the Grand Lecturer or a brother authorized by him therefor.⁵

[§838] (D) Books, Documents and Ciphers Prohibited. The use of any book, document, or paper written or printed, or in cipher purporting to be the secret ritual of Freemasonry, is prohibited.⁶ This does not include the Masonic Manual.⁷

97. Bd. Cust., 1927 p. 172, Comp. 897.

98. Consts., §366.

99. Matter of Ivy Lodge No. 397, 1949 p. 25, approved 1949 p. 35.

1. Gibson G. M., 1869 p. 47, Comp. 140, 141.

2. Lewis G. M., 1859 p. 28, Comp. 56, 58 (26).

3. Owens G. M., 1935 p. 13, Comp. 1111, who also forbade the sponsorship

by a Lodge of any non-Masonic organization.

4. Comm. Cond. M., 1862 p. 206, Comp. 87, 89 (68), *modifying* King G. M., 1862 p. 28, Comp. 74, 84 (68).

Right of Master to permit others to work, see *infra*, §§980-981.

5. King G. M., 1862 p. 28, Comp. 74, 84 (69).

6. Consts., §500; 1922 2 Kane R., p. 329, Comp. 8.

7. Comm. Gen. R., 1857 pp. 107-114, Comp. 32, 36 (14).

[§839] (LXIII) Submitting Proceedings to Grand Lodge. The proceedings of a Lodge shall be submitted to Grand Lodge whenever required.⁸

[§840] (LXIV) Trespass upon Territorial Jurisdiction. Trespass upon territorial jurisdiction is a serious offense⁹ and a Lodge electing material properly within the territorial jurisdiction of another Lodge, without the latter's consent, is not entitled to any proportion of the initiation fee¹⁰ and may be required to pay over the initiation fee received.¹¹ One of a number of Lodges comprising the invaded territory and having concurrent jurisdiction therein possesses no right individually to demand of the trespassing Lodge a part of the initiation fee.¹²

[§841] (LXV) Use of Legislative Manuals. The use of legislative manuals or systems of parliamentary law should be discountenanced in Masonic Lodges.¹³

[§842] (LXVI) Voting—(A) Whether by Ballot or Show of Hands. Except in voting on candidates for initiation,¹⁴ advancement¹⁵ or affiliation,¹⁶ the election of Honorary members,¹⁷ the election of officers¹⁸ and on applications for restoration after unaffiliation for non-payment of dues which has continued for five years or more,¹⁹ in all which cases a ballot is required, the method of voting on a subject under consideration should be by a show of hands.²⁰

[§843] (B) Number of Votes Required. Except on a proposal to surrender the Lodge charter, when a minority of seven can prevent such surrender,²¹ in voting for consolidating with another Lodge²² or to destroy or transfer the ownership or custody of any of the

8. Consts., §323.

9. See *infra*, §1205.

10. Matter of Darcy Lodge, 1910 p. 543, Comp. 353, 354, "lest it become a premium for violations of territorial jurisdiction by Lodges which can afford to pay the injured Lodge a portion of the amount it receives and thus itself profit by its own wrong"; Matter of Onondaga Lodge No. 802, 1918 p. 100, Comp. 797, *approved* 1918 p. 268, Comp. 811, 812 (7).

11. 1860 p. 180, Comp. 63.

12. Matter of Carducci Lodge No. 924, 1941 p. 112, *approved* 1942 p. 112, 117, Comp. 1167.

13. Lewis G. M., 1859 p. 28, Comp. 56, 58 (19).

14. See *supra*, §545.

15. See *supra*, §570.

16. See *supra*, §545.

17. See *supra*, §648.

18. See *infra*, §902

19. See *supra*, §829.

20. Young v. Taber, 1916 p. 155, Comp. 751, acting on report of Lodge Trial Commission under former Code of Procedure; Matter of Riverhead Lodge No. 645, 1916 p. 186, Comp. 782, 783, an advisory vote on application to Grand Lodge by an expelled former member; Matter of Clinton Lodge No. 155, 1916 p. 187, Comp. 784, 786, acceptance or rejection of plans for building a Temple; Opinion "B", 1942 p. 49, *approved* 1942 p. 117, Comp. 1197, 1199, restoration of brother unaffiliated less than five years.

21. See *infra*, §884.

22. Consts., §339-A.

permanent records of the Lodge,²³ when a two-thirds vote of the members present is required, and in voting on candidates for initiation,²⁴ advancement²⁵ or affiliation,²⁶ on nominations for honorary membership²⁷ and on applications for restoration to membership after unaffiliation lasting five years or more,²⁸ in all which cases a unanimous vote is required, or in cases where the Lodge by-laws provide otherwise, all votes of a Lodge are majority or plurality votes.²⁹

By-laws are to be construed in a reasonable manner. Thus "a two-thirds vote of a Lodge" has been construed to mean two-thirds of a number of members present at a communication and not two-thirds of all the members whose names appear on the Lodge roster.³⁰ "A vote of two-thirds of the members present" must be construed to mean that, to adopt a proposition, it is necessary to have an affirmative vote of two-thirds of all the members present, even though some may not vote who are present.³¹ So where, to accomplish a given purpose, a majority vote of those present is required, the failure of such majority to vote for or against the proposal results in no determination.³² On the other hand, where a Lodge by-law reads "if two-thirds of the members present concur"³³ or "consent,"³⁴ those present and not voting are presumed to acquiesce in the action of the Lodge as expressed by the greater number actually voting.

[§844] (C) Proxies Not Permitted. Members cannot vote by proxy at a meeting of a Lodge.³⁵

[§845] (LXVII) Waiving Jurisdiction—(A) Right Recognized. The Constitutions recognize the right of a Lodge to waive jurisdiction over a petitioner for initiation who resides or last resided within its territorial jurisdiction³⁶ or over an Entered Apprentice made or

23. Consts., §321.

24. See *supra*, §554.

25. See *supra*, §570.

26. See *supra*, §648.

27. See *supra*, §648.

28. See *supra*, §829.

29. Lewis G. M., 1859 p. 28. Comp. 56, 59 (40); Matter of Riverhead Lodge No. 645, 1916 p. 186, Comp. 782, 783.

30. Gibson G. M., 1869 p. 47. Comp. 140, 143; In the Matter of By-law Amendment, 1913 p. 240, Comp. 609, 610-611; Matter of Temple Lodge No. 14, 1946 p. 83, *approved* 1946 p. 101, 103.

31. In the Matter of Savannah

Lodge No. 764, 1910 p. 485, Comp. 486; Matter of Temple Lodge No. 14, 1946 p. 83, *approved* 1946 p. 101, 103.

32. In the Matter of Hermann Lodge No. 268, 1932 p. 154, *approved* 1933 p. 178, Comp. 1078, 1080.

33. Matter of Lexington Lodge, 1910 p. 506, Comp. 301, 304.

34. Matter of Temple Lodge No. 14, 1946 p. 83, *approved* 1946 p. 101, 103.

35. 1917 p. 236, Comp. 806, 809 (10), *approving* Matter of Clinton Lodge No. 155, 1916 p. 187, Comp. 784.

36. Consts., §§344, 352. See also *supra*, §§466, 470.

Fellow Craft passed therein.³⁷ Such a waiver is, however, more than a matter of favor and, in effect, certifies to the Lodge requesting it that the granting Lodge has examined the man's antecedents in the very neighborhood in which he resides and that, in the granting Lodge's opinion, he is worthy to be received as a Mason.³⁸

[§846] (B) How Waiver Secured—(1) Rule Stated—(a) Generally. If a petitioner has resided within the state for twelve months, but less than four months within the jurisdiction of a Lodge, a waiver must be secured from the Lodge where he last resided.³⁹ If he has resided less than twelve months in the state, it should be secured through the Grand Secretary from the Lodge in the state of his former residence.⁴⁰

[§847] (b) Blanket Waiver Not Permitted. An agreement between two Lodges according to each concurrent authority to accept candidates residing within the territorial jurisdiction of the other is not permitted.⁴¹

[§848] (2) No Time Limit on Renewal of Request for Waiver. There is no legal time limit within which the renewal of a request for a waiver may be made either to the Lodge first approached or to another Lodge having concurrent jurisdiction.⁴²

[§849] (C) How Waiver Granted—(1) Petition for Waiver Received only at Stated Communication. A petition for waiver of jurisdiction over a candidate or brother shall not be received by a Lodge except at a Stated Communication.⁴³

[§850] (2) Investigating Committee—(a) Must Be Appointed. A petition for waiver of jurisdiction must be referred to an Investigating Committee of not less than three members.⁴⁴

[§851] (b) Interval Between Reference and Report. No report of an Investigating Committee on a petition for a waiver of jurisdiction shall be received until at least two weeks after such petition shall have been received.⁴⁵

37. Consts., §§352, 359; In the Matter of Highland Lodge No. 835, 1930 p. 160, Comp. 994, *approved* 1931 p. 217, Comp. 1049; In the Matter of Golet Lodge No. 918, 1931 p. 144, Comp. 1031, *approved* 1931 p. 217, Comp. 1049.

38. Klinck G. M., 1938 p. 71, 72, *approved* 1938 p. 146, Comp. 1136; Matter of Vivlmore, 1949 p. 21, *approved* 1949 p. 35.

39. Opinion D, 1946 p. 91, *approved* 1946 p. 101, 103.

40. Matter of Anglo-Saxon Lodge No. 137, 1945 p. 59, *approved* 1945 p.

79; Opinion D, 1946 p. 91, *approved* 1946 p. 101, 103.

41. Re Penfield Union Lodge No. 154, 1951 p. 20, *approved* 1951 p. 26.

42. Matter of Dunkirk Lodge No. 767, 1949 p. 21, *approved* 1949 p. 35.

43. Consts., §352.

44. Consts., §352; Klinck G. M., 1938 p. 71, 72, *approved* 1938 p. 146, Comp. 1136.

45. Consts., §352; Klinck G. M., 1938 p. 71, 72, *approved* 1938 p. 146, Comp. 1136.

[§852] (c) **Form of Report.** An Investigating Committee appointed on receipt of a petition for waiver of jurisdiction over a candidate or a brother, must report thereon in writing, in terms "favorable" or "unfavorable."⁴⁶

[§853] (3) **Majority Vote by Show of Hands Sufficient to Grant Waiver.** A majority vote by show of hands shall be sufficient to grant a waiver of jurisdiction.⁴⁷ While a vote by show of hands is ordinarily preferable, the Master, in his discretion, may direct a secret ballot,⁴⁸ but even then a majority vote is all that is required.⁴⁹

[§854] (LXVIII) **With Respect to Officers—(A) Altering Eligibility Forbidden.** Eligibility to office is fixed by the Constitutions⁵⁰ and cannot be altered by the Lodge⁵¹ by imposing additional requirements⁵² or by limiting the group from which the officers may be selected.⁵³

[§855] (B) **Election of Officers—(1) Must Be Annual.** By its warrant, every Lodge is required to summon all its members to attend the annual election of officers and it is a neglect of duty in a Lodge not to comply with this requirement.⁵⁴

[§856] (2) **Nominating Speeches.** A Lodge, by by-law, may prohibit nominating speeches at the election of officers. In the absence of such prohibition, it may, on motion, allow or refuse to permit such speeches to be made, which action would bind the presiding officer, still leaving the regulation of such speeches within his discretion.⁵⁵

46. Consts., §352; Klinck G. M., 1938 p. 71, 72, *approved* 1938 p. 146, Comp. 1136.

47. Consts., §353; Gibson G. M., 1869 p. 41, Comp. 131.

48. Opinion "B", 1942 p. 49, *approved* 1942 p. 117, Comp. 1197, 1200; Strang G. M., 1943 p. 49 (4), suggesting that in such case the use of the regular ballot box would be the better practice.

49. Opinion "B", 1942 p. 49, *approved* 1942 p. 117, Comp. 1197, 1200.

50. Eligibility to office, see *infra*, §§888-897.

51. Gibson G. M., 1870 p. 47, Comp. 154; In the Matter of the By-laws, etc., 1933 p. 106, *approved* 1933 p. 179, Comp. 1093.

52. In the Matter of the By-laws, etc., 1933 p. 106, *approved* 1933 p. 179.

Comp. 1093, *distinguishing* Matter of Peconic Lodge, 1910 p. 536, Comp. 343, and holding void a by-law which provided that no member should be eligible for Warden who had not previously been appointed and served as a Senior or Junior Deacon.

53. Mollenhauer G. M., 1933 p. 105, Comp. 1092, *approved* 1933 p. 179, Comp. 1092, holding void a by-law which provided that only junior officers then in office shall, in the order of their respective places, be eligible to the next superior place; In the Matter of the By-laws, etc., 1933 p. 106, *approved* 1933 p. 179, Comp. 1093.

54. Consts., §302; Paige G. M., 1864 p. 25, Comp. 98, 101 (20), *approved* 1864 p. 164, Comp. 103; Gibson G. M., 1870 p. 47, Comp. 154, 156.

55. Matter of Green, 1910 p. 562, Comp. 379, 381.

[§857] (3) Regular Election Cannot Be Avoided at Subsequent Communication. A regular election of Lodge officers cannot be avoided at a subsequent Lodge meeting.⁵⁶

[§858] (C) Imposing Additional Duties or Restrictions. So long as a by-law is not inconsistent with the Constitutions or principles of Masonry it is not void because it prescribes restrictions on the Treasurer, or imposes duties on the Master or Secretary, which are additional to those contained in the Constitutions.⁵⁷

[§859] (D) Providing for Additional Officers. A Lodge may provide in its by-laws for additional officers, to be either elected or appointed,⁵⁸ for example, an organist,⁵⁹ but it may not provide for a Lecture Master to instruct in the work as the Master is the constitutional Lecture Master and any other is unauthorized.⁶⁰

[§860] (E) Providing for Election of Lower Officers. A Lodge by a by-law⁶¹ may provide for the election of officers who, in the absence of such provision, would be appointed by the Master, but an election of such officers cannot be ordered by a resolution of the Lodge.⁶²

[§861] (F) Requiring Bond. The requiring an elective officer to furnish a bond has been declared to be unknown to Masonic usage,⁶³ but more recently the practice of requiring a bond from the Treasurer and a by-law requiring such bond have been approved.⁶⁴

[§862] (LXIX) With Respect to Visitors—(A) From This Jurisdiction. No visitor from this jurisdiction shall be admitted into any Lodge without due inquiry and satisfaction as to his good Masonic standing; nor shall he be admitted or be permitted to remain therein if his presence will disturb the harmony of the Lodge or embarrass its work. The names of visitors to Lodges must be announced in open Lodge, and either there vouched for, or, before examination, a certificate of the visitor's standing in a Lodge warranted by the Grand Lodge must be presented.⁶⁵

[§863] (B) From Another Jurisdiction. Any visitor from another jurisdiction, unless personally known, applying for examination for admission to a Lodge in this jurisdiction shall be required to present a certificate of his membership in the Lodge from which he hails.

56. G. L. Proc. 1804, 1 Kane R. pp. 342-343, Comp. 4.

57. In the Matter of New York Lodge No. 330, 1915 p. 212, Comp. 723, 734, reversing Matter of New York Lodge No. 330, 1914 p. 194, Comp. 688 and approved Comm. J., 1916 p. 201, Comp. 788, 791.

58. Consts., §302.

59. Gibson G. M., 1870 p. 47, Comp. 154, 155.

60. Gibson G. M., 1870 p. 45, Comp. 152, 153.

61. Consts., §302.

62. Gibson G. M., 1870 p. 47, Comp. 154, 156.

63. Lewis G. M., 1859 p. 28, Comp. 56, 59 (32); Thorne G. M., 1876 p. 29, Comp. 178, 183 (xxvii).

64. Matter of Hobbs, 1917 p. 99, Comp. 197.

65. Consts., §505.

Such certificate shall be authenticated as follows: (1) By the Grand Secretary of the Grand Lodge in which such Lodge is located, as to the regular standing of the Lodge; (2) by the Secretary of the Lodge as to the Masonic standing of the brother; and (3) by the signature of the brother in whose name the certificate is issued, for personal identification.⁶⁶

[\$864] (C) **Avouchement by Letter Insufficient.** A letter vouching that one is a Mason is insufficient to secure admission as a visitor without examination or other constitutional avouchment.⁶⁷

[\$865] (D) **Avouchment by Volunteer Committee Irregular.** An avouchment to the Tiler by a volunteer committee of members is an invasion of the prerogative of the Master and violates the constitutional provision that a visitor's name shall be announced in open Lodge as a preliminary to voucher or examination.⁶⁸

[\$866] b. **Lodges for Study and Research—(I) Cannot Confer Degrees.** A Lodge formed for study and research shall be without power or authority to confer degrees upon candidates or brothers or to receive active members other than by affiliation.⁶⁹

[\$867] (II) **May Accept Corresponding Members.** A Lodge formed for study and research may accept as Corresponding Members, Master Masons or Lodges of Master Masons in good standing in this or other Grand Jurisdictions in Masonic affiliation with Grand Lodge and also organizations recognized as Masonic by Grand Lodge and Masonic Libraries, under such conditions as, by its by-laws, it may prescribe.⁷⁰

[\$868] (III) **Not Entitled to Representative and Vote in Grand Lodge.** A Lodge formed for the purpose of study and research shall not be entitled to a representative and vote in Grand Lodge.⁷¹

[\$869] (IV) **Not Required to Pay Grand Lodge Fees.** A Lodge for study and research shall not be required to pay any of the fees to Grand Lodge specified in the Constitutions thereof.⁷²

[\$870] c. **Lodges Organized Under Benevolent Orders Law—(I) In General.** A Lodge organized under the Benevolent Orders Law may acquire and manage property,⁷³ but it is exceedingly doubtful whether it can delegate its powers to any special committee or to any officers other than the Trustees.⁷⁴ It may use its funds, pledge

66. Consts., §506.

67. *Matter of Roma Lodge, etc.*, 1950 p. 37, *approved* 1950 p. 83.

68. *Matter of Niagara Frontier Lodge No. 132*, 1948 p. 61, *approved* 1948 p. 73.

69. Consts., §333.

70. Consts., §333.

71. Consts., §333.

72. Consts., §333.

73. *Matter of Kingston Lodge No. 10*, 1921 p. 106, *Comp. 837, approved* 1922 p. 209, *Comp. 867*.

74. In the *Matter of Olympia Lodge No. 808*, 1910 p. 475, *Comp. 473, 485*.

its credit, if necessary, and issue its notes, to purchase land upon which to erect a Masonic Hall, or to pay its *pro rata* share for the acquisition of land for that purpose, title to which is thereafter to vest in Trustees, under Section 7 of the Benevolent Orders Law.⁷⁵

[§871] (II) By-Laws. A Lodge organized under the Benevolent Orders Law may make rules and regulations, not inconsistent with the laws of this state, or with the Constitutions or general rules or laws of Grand Lodge, for managing the temporal affairs thereof and for the disposition of its property and other temporal concerns and revenue belonging to it.⁷⁶

[§872] (III) Exemption from Taxation. The real property, whether owned by incorporated Lodges or associations formed by members of such Lodges, is not for that reason exempt from taxation, unless its net income is devoted to the same benevolent, charitable or educational purposes as that of the Trustees of the Masonic Hall and Asylum Fund.⁷⁷

[§873] (IV) Funds How Deposited. When a Lodge is organized under the Benevolent Orders Law, the funds properly in the Trustees' custody must be deposited in the name of the Trustees and not in the name of the Lodge Treasurer.⁷⁸

[§874] 2. Of Lodges Under Dispensation—a. Generally. With certain exceptions noted hereafter,⁷⁹ a Lodge under dispensation possesses all the powers and privileges and must perform all the duties of a chartered Lodge.⁸⁰

[§875] b. May Affiliate Members. Lodges under dispensation have a right to affiliate Masons.⁸¹

[§876] c. Can and Should Adopt By-Laws. A Lodge under dispensation can and should adopt rules for its government.⁸²

75. In the Matter of Plattsburgh Lodge No. 828, 1913 p. 254, Comp. 629, 633.

76. Ben. Ord. L., §3, Consts., p. 122, §3.

77. Matter of Kingston Lodge No. 10, 1921 p. 106, Comp. 837, approved 1922 p. 209, Comp. 867.

78. In the Matter of Olympia Lodge No. 808, 1910 p. 475, Comp. 473, 478, 485.

79. See *infra*, §§877-879.

80. Consts., §328.

81. Holmes G. M., 1866 p. 19, Comp. 109, 112 (xi), approved 1866 p. 81, Comp. 113.

82. King G. M., 1862 p. 28, Comp. 74, 85 (75).

Approved By-laws.—Comm. Chart., 1920 p. 212, Comp. 835, recommended

the following by-laws for Lodges under Dispensation:

BY-LAWS

Standard Lodge U. D., F. & A. M.
Freetown, N. Y.

Section 1. This Lodge shall be known as Standard Lodge, U. D., F. & A. M.

Section 2. The stated communications of this Lodge shall be held at Freetown, N. Y., on the First and Third Tuesdays of each month at 8 o'clock P. M.

Section 3. The officers of this Lodge, in addition to the Master and Wardens named in the dispensation, shall consist of a Treasurer, a Secretary, a Senior Deacon and a junior Deacon, with such other officers as may be required for the working of

[§877] d. Cannot Elect and Install Officers. A Lodge under dispensation cannot elect or install its officers.⁸³

[§878] e. Not Represented in Grand Lodge. A Lodge under dispensation cannot be represented in Grand Lodge⁸⁴ and is not authorized to vote on amendments to the Constitutions.⁸⁵

[§879] f. Need Not Have Seal. A Lodge under dispensation need not have a seal.⁸⁶

[§880] G. Consolidation of Lodges. Machinery for the consolidation of two existing Lodges being entirely lacking in our law, it was held that the Grand Master had inherent power to authorize it and to lay down the procedure.⁸⁷ The Constitutions now provide that two or more Lodges, upon the summoned communications of the Lodges involved and by a vote of two-thirds of the members present and voting, may consolidate, upon the approval of the Grand Master and upon such terms and conditions as he shall prescribe and in the manner meeting with his approval.⁸⁸ Preceding the adoption of this provision, it was decided that, one of the Lodges failing by one vote in the requisite two-thirds, one known to have voted against the merger might move to reconsider and if so voted the Lodge might again be summoned.⁸⁹

[§881] H. Arresting or Suspending Charter. The charter of a Lodge, upon proper cause shown and without notice or hearing, may be suspended by Grand Lodge⁹⁰ or by the Grand Master,⁹¹ but such suspension should be followed by notice and a hearing at as early a date as possible⁹² and when made by the Grand Master shall not extend beyond the next Annual Communication of Grand Lodge.⁹³

[§882] I. Dissolution of Lodge—1. How Accomplished—a. Rule Stated. A Lodge can be dissolved only by the surrender or forfeiture of its charter.⁹⁴

the Lodge, whose duties shall be governed by the provisions of the Constitutions of Grand Lodge.

Said officers may be either elected or appointed, as the brethren may determine.

Section 4. The fee for initiation shall be (*naming it*) Dollars, and for affiliation (*naming it*) Dollars.

Section 5. Amendments may be made to these by-laws or any part thereof. Such amendments shall be in writing, read at a stated communication of the Lodge, and at the next stated communication thereafter may be adopted by a majority vote of the members present at said communication.

83. Consts., §328; Matter of Bronx Lodge, 1910 p. 558, Comp. 372, 373.

84. Consts., §328.

85. 1849 p. 16, Comp. 24.

86. Consts., §348.

87. Re Proposed Consolidation, etc., 1948 p. 63, approved 1948 p. 73.

88. Consts., §339-A.

89. 1948 p. 52, approved 1948 p. 73, saying that presumably the vote should be by roll call in any case.

90. See *supra* §104.

91. See *supra*, §234.

92. Gibson G. M., 1869 p. 46, Comp. 138.

93. Consts., §339.

94. Consts., §334.

[§883] b. **Forfeiture of Charter.** The charter of a Lodge shall not be declared forfeited except by action of Grand Lodge at an Annual Communication after trial of the Lodge upon charges presented to the Grand Master in accordance with the provisions of the Code of Procedure, at which trial the Lodge shall have been afforded an opportunity of being heard in its defense and the findings of the Trial Commission submitted to Grand Lodge.⁹⁵

[§884] c. **Surrender of Charter.** When the members of a Lodge so far lose interest in its welfare as to neglect its meetings and refuse to pay their dues, thereby preventing the Lodge from discharging its obligations, they should save their remaining credit, if any, by surrendering the warrant.⁹⁶ To accomplish this end there must be a formal vote at a summoned communication⁹⁷ and when there cannot be found among its members seven brothers, duly qualified and desirous of retaining the same.⁹⁸ The seven must include one who has served as an installed Master or Warden and they must be willing individually to perform the acts and render the services necessary, including the matter of funds, and have expressed such willingness.⁹⁹

[§885] 2. **Effect of Dissolution of Lodge—**a. **In General.** The surrender of a charter, when approved, or the forfeiture of a charter, when declared by Grand Lodge, shall be conclusive upon the Lodge and its members, who shall thereupon become non-affiliated, and all the property of the Lodge shall become the property of Grand Lodge and must, on demand, be surrendered to Grand Lodge, or its authorized agent, by the person or persons having its custody.¹

[§886] b. **When Organized Under Benevolent Orders Law.** If a Lodge organized under the Benevolent Orders Law surrender its warrant, is expelled or becomes extinct, the Trustees then in office shall, out of the property belonging to such Lodge, satisfy all just debts due from it and transfer the residue of its property to the "Trustees of the Masonic Hall and Asylum Fund," and unless reclaimed by such Lodge within three years from such transfer, in accordance with the constitution and general regulations of such grand body, the same, with the avails or increase thereof, shall be applied by the "Trustees of the Masonic Hall and Asylum Fund," to the benevolent purposes for which such Trustees were created.²

95. Consts., §337.

96. Simons G. M., 1861 p. 18, Comp. 64, 65 (15).

97. Re The Surrender of the Charter, etc., 1947 p. 53, approved 1947 p. 154.

98. Consts., §335; Re The Surrender of the Charter, etc., 1947 p. 53, approved 1947 p. 154.

99. Re The Surrender of the Charter, etc., 1947 p. 53, approved 1947 p. 154, stating that this would involve correspondence by registered mail and an answer within say two weeks.

1. Consts., §338; Re The Surrender of the Charter, etc., 1947 p. 53, approved 1947 p. 154.

2. Ben Ord. L., §5, Consts., p. 123.

XII. LODGE OFFICERS [§§887-1044]**A. ENUMERATED** [§887]**B. ELIGIBILITY** [§§888-897]

1. In General [§888]

2. For Master [§§889-896]

- a. In General [§889]
- b. Citizenship Not Essential [§890]
- c. Dismembered Veteran [§891]
- d. Non-Resident [§892]
- e. One Under Indictment [§893]
- f. One Under Charges [§894]
- g. Sitting Warden Ineligible to Fill Vacancy [§895]
- h. Warden Absent During Entire Term [§896]

3. For Tiler [§897]

C. ELECTION [§§898-907]

1. When Held [§§898-899]

- a. Officers Generally [§898]
- b. Trustee Under Benevolent Orders Law [§899]

2. Lodge Must Be Summoned for Election [§§900-901]

- a. Rule Stated [§900]
- b. Form of Summons for Election of Officers [§901]

3. Election Must Be by Ballot [§902]

4. Nominating Speeches [§903]

5. Who May Vote at Election of Officers [§904]

6. Majority Vote Elects [§§905-907]

- a. Rule Stated [§905]
- b. Effect of Blank Ballots [§906]
- c. Effect of Void Ballots [§907]

D. INSTALLATION OF LODGE OFFICERS [§§908-920]

1. Required after Each Election or Re-election [§§908-909]

- a. Rule Stated [§908]

b. Except Master May Be Installed by Proxy [§909]

2. Date for Installation [§§910-913]

a. In General [§910]

b. When Constitutional Officer Fails or Refuses at Prescribed Time [§911]

c. When Offices of Master and Wardens All Vacant [§912]

d. When Irregularly Installed [§913]

3. Place for Installation [§914]

4. Secrets of the Chair [§915]

5. Installing Officer [§§916-918]

a. Must Be Master or Past Master [§916]

b. Installing Officer does Not Represent Grand Master [§917]

c. Rights and Duties of Installing Officer [§918]

6. Objection to Installation [§919]

7. Effect of Installation on Irregular Election [§920]

E. TERM OF OFFICE [§§921-923]

1. Generally [§921]

2. Trustees Under Benevolent Orders Law [§922]

3. When Charter Surrendered [§923]

F. VACANCIES IN LODGE OFFICE [§§924-940]

1. How Created [§§924-935]

a. In General [§924]

b. By Election and Installation in Another Office [§925]

c. By Expulsion, Suspension or Removal [§§926-927]

(I) Rule Stated [§926]

(II) Pendency of Charges Alone Insufficient [§927]

d. By Resignation [§928]

e. By Unaffiliation Under Dual Membership [§929]

f. By Withdrawal from Membership [§930]

g. Removal from State [§931]

h. Unavoidable Absence in Military Service [§932]

i. When Lodge Organized under Benevolent Orders Law [§§933-935]

(I) Rule Stated [§933]

(II) Commitment of Trustee as Insane [§934]

(III) Removal Within State [§935]

2. When and How Vacancies Filled [§§936-940]

- a. Generally [§936]
- b. Master [§937]
- c. Wardens [§938]
- d. Master and Wardens [§939]
- e. Trustee Under Benevolent Orders Law [§940]

G. DUTIES, POWERS AND PRIVILEGES [§§941-1044]

1. Of Lodge Officers Generally [§§941-944]

- a. Aprons and Jewels [§941]
- b. Are Subject to Direction of Master or Presiding Officer [§942]
- c. Petitioning to Form New Lodge [§943]
- d. Procuring Advancement of Brother in Another Lodge [§944]

2. Of Particular Lodge Officers [§§945-1044]

a. Master [§§945-1008]

(I) In General [§945]

(II) Admitting, Excluding or Ejecting Members or Visitors [§§946-948]

(A) Generally [§946]

(B) Committee to Examine Visitor [§947]

(C) Entered Apprentices or Fellow Crafts [§948]

(III) Amount of Ceremony Exemplified [§949]

(IV) Appointing Committees [§§950-951]

(A) Rule Stated [§950]

(B) Master *Ex-Officio* Chairman of all Committees [§951]

(V) Appointing Officers [§§952-953]

(A) Generally [§952]

(B) To Fill Vacancy [§953]

(VI) Approving Lodge Returns [§954]

(VII) Calling or Omitting Communications [§§955-957]

(A) *Emergent or Special Communication* [§955]

(B) *Stated Communication* [§956]

(C) *Closing Lodge Indefinitely* [§957]

- (VIII) Changing or Determining Order of Business [§958]
- (IX) Closing Debate [§959]
- (X) Custody of Lodge Charter [§960]
- (XI) Denying Tiler's Right to Ballot Not Allowed [§961]
- (XII) Destroying Ballot [§962]
- (XIII) Determining Qualifications of Candidate [§§963-965]
 - (A) *Physical Fitness* [§963]
 - (B) *Proficiency in Preceding Degree* [§964]
 - (C) *Residence* [§965]
- (XIV) Determining Validity of By-Law [§966]
- (XV) Dimitting [§967]
- (XVI) Directing Manner of Voting [§968]
- (XVII) Election to Another Office Forbidden [§969]
- (XVIII) Executive [§970]
 - (XIX) Inspecting Ballot-Box Before Ballot [§971]
 - (XX) Lodge Clubs [§972]
 - (XXI) Meeting with Other Masters [§973]
 - (XXII) No Appeal from Decision While Presiding [§974]
 - (XXIII) Notifying Petitioner of Rejection [§975]
 - (XXIV) Offenses and Liability Therefor [§976]
 - (XXV) Opening Lodge to Confer Non-Masonic Degrees Forbidden [§977]
 - (XXVI) Ordering Assessment Not Permitted [§978]
 - (XXVII) Ordering Reballot [§979]
 - (XXVIII) Permitting Work to be Done by Qualified Brother [§§980-981]
 - (A) *Rule Stated* [§980]
 - (B) *Degree Teams* [§981]
 - (XXIX) Postponing Consideration of Question [§982]
 - (XXX) Preferring Complaint of Masonic Misconduct [§983]
 - (XXXI) Presumed to Know Law [§984]
 - (XXXII) Publishing Names of Unaffiliates [§985]

- (XXXIII) Refusing to Confer Degree [§986]
- (XXXIV) Refusing to Entertain Motions [§987]
- (XXXV) Regulating Nominating Speeches [§988]
- (XXXVI) Removing or Suspending Officer [§989]
- (XXXVII) Removing Committeemen [§990]
- (XXXVIII) Requiring Brother to Vote on Petition [§991]
- (XXXIX) Resigning [§992]
 - (XL) Respecting Objection to Initiation or Advancement [§993]
 - (XLI) Summons [§§994-1004]
 - (A) *In General* [§994]
 - (B) *Summons How Issued* [§995]
 - (C) *Requisites* [§§996-1001]
 - (1) *Of Original Summons* [§§996-1000]
 - (a) *In General* [§996]
 - (b) *"By His Order"* [§997]
 - (c) *Date and Place of Action* [§998]
 - (d) *Description of Brother Summoned* [§999]
 - (e) *Word "Summoned" Essential* [§1000]
 - (2) *Of Copy Served* [§1001]
 - (D) *How Summons Served* [§§1002-1003]
 - (1) *Personally or by Mail* [§1002]
 - (2) *Unsealed Envelopes or Post Cards Forbidden* [§1003]
 - (E) *Time of Service of Summons* [§1004]
 - (XLII) Supervising Lodge Secretary [§1005]
 - (XLIII) Testifying at Masonic Trial [§1006]
 - (XLIV) Unaffiliation of and by Master [§1107]
 - (XLV) Voting [§1008]
 - b. *Wardens* [§§1009-1016]
 - (I) *In General* [§1009]
 - (II) *When a Visiting Brother* [§1010]
 - (III) *Dimitting* [§1011]
 - (IV) *Election to Another Office* [§1012]
 - (V) *Inspecting Ballot-Box Before Ballot* [§1012²]
 - (VI) *No Appeal from Decision When Presiding* [§1014]
 - (VII) *Resigning* [§1015]

(VIII) Unaffiliation [§1016]

c. Treasurer [§§1017-1018]

(I) Duties [§1017]

(II) Treasurer's Relation to Trustees [§1018]

d. Secretary [§§1019-1036]

(I) Duties and Privileges [§§1019-1035]

(A) *To Attest Master's Signature* [§1019]

(B) *To Certify and Affix Seal to Returns and Certificates* [§1020]

(C) *May Employ Clerical Assistance* [§1021]

(D) *Should Familiarize Self with Masonic Law* [§1022]

(E) *To Keep Register of Members* [§1023]

(F) *To Make Returns* [§§1024-1025]

(1) *To District Deputy Grand Master* [§1024]

(2) *To Grand Lodge* [§1025]

(G) *To Notify Grand Master of Vacancy in Offices of Master and Wardens* [§1026]

(H) *To Notify Grand Secretary and District Deputy of Election of Officers* [§1027]

(I) *To Notify Lodge When Dual Membership Not Completed* [§1028]

(J) *To Notify Rejected Candidates* [§1029]

(K) *To Receive and Pay Over Moneys* [§1030]

(L) *To Record Proceedings of Lodge* [§1031]

(M) *To Register Expulsions, Suspensions and Rejections* [§1032]

(N) *To Report Suspensions and Restorations* [§1033]

(O) *To Report Rejections to Grand Secretary* [§1034]

(P) *To Return Withdrawn Petition* [§1035]

(II) Secretary's Relation to Trustees [§1036]

e. Organist [§1037]

f. Tiler [§1038]

g. Trustees [§§1039-1044]

(I) In General [§1039]

(II) Direction to Sign Contract Not Authorization to Make Payments or to Sign Different One [§1040]

(III) Disbursements [§1041]

(IV) Evicting Tenant [§1042]

(V) Leasing Property of Lodge [§1043]

(VI) Selecting Depository [§1044]

XII. LODGE OFFICERS.

[§887] A. Enumerated. The necessary officers of a Lodge are a Master, a Senior Warden, a Junior Warden, a Treasurer, a Secretary, a Senior Deacon, a Junior Deacon and a Tiler,¹ the first five of whom must be chosen by ballot.² A Lodge may, however, provide in its by-laws for additional officers to be either elected or appointed.³

[§888] B. Eligibility—1. In General. Except in the case of the Tiler,⁴ membership in good standing in the Lodge is necessary to constitute eligibility to office therein⁵ and the Constitutions provide that every member is eligible to any office in the Lodge except that of Master,⁶ though it has been held that a constitutional officer cannot concurrently hold two offices in the same Lodge.⁷ So, too, while it has been declared that eligibility cannot be altered by action of the Lodge,⁸ it has also been decided that a Lodge, by its by-laws, may restrict its members to the holding of a single office at the same time.⁹

[§889] 2. For Master—a. In General. No member can be the Master of a chartered Lodge unless he has previously served as an installed Master or Warden, except at the constitution of a new Lodge,¹⁰ a prerequisite which may not be altered by the Grand Master.¹¹ The exception is intended to cover a case of one who has been Warden of a Lodge under dispensation to which a charter has been subsequently granted. The Warden under the dispensation has never been installed, but is not disqualified from installation in the chartered Lodge. It is sufficient to know that he has served in the Lodge under dispensation to entitle him to become the Master and be installed at the constitution of the new Lodge, but if not so installed is not eligible at a later election.¹² However, a Warden of a new Lodge having served up to the annual election next after the reception of

1. Consts., §300.

2. Consts., §302.

Ballot defined, see *supra*, §2.

3. Consts., §302.

4. See *infra*, §897.

5. Consts., §304; *Hellings G. M.*, 1939 p. 53, 55, *approved* 1939 p. 117, *Comp.* 1148, ruling that the Master has no power or authority to appoint as Chaplain a member of another Lodge.

Good standing defined, see *supra*, §8.

6. Consts., §304.

7. *Re Urania Lodge No. 810*, 1940 p. 79, *Comp.* 1161; *Matter of John Hancock Lodge No. 70*, 1945 p. 51, *approved* 1945 p. 79, holding that there was no reason why such an officer

should not be a member of a Lodge committee such as Trustee of its Widows and Orphans Fund.

8. See *supra*, §854.

9. *Washington Lodge No. 240*, 1943 p. 60, *approved* 1943 p. 131, holding that the election of the secretary as a representative to a Masonic Association which owned the building in which the lodge met did not violate such a by-law, the office of representative, director or trustee of a membership corporation not being a Masonic office.

10. Consts., §305; *King G. M.*, 1862 p. 28, *Comp.* 74, 77 (22).

11. See *supra*, §188.

12. *Matter of Bronx Lodge*, 1911 p. 244, *Comp.* 531, 537.

the warrant is eligible.¹³ Mere election to the office of Warden does not qualify,¹⁴ but the service as Warden may have been in a Lodge with which he was formerly affiliated.¹⁵

[§890] b. **Citizenship Not Essential.** Citizenship in the United States or in the State of New York is not a prerequisite qualification for election as Master.¹⁶

[§891] c. **Dismembered Veteran.** A veteran who had lost his right hand in battle and qualified by service as a Warden is eligible for Master.¹⁷

[§892] d. **Non-Resident.** A Lodge may elect as Master one of its members, otherwise qualified, who resides outside the state.¹⁸

[§893] e. **One Under Indictment.** Under the strict letter of Masonic law, one otherwise eligible for election as Master is not made ineligible because under indictment under the criminal law of the state, but it would be inexpedient, injudicious and contrary to proper standards of the Fraternity to elect him.¹⁹

[§894] f. **One Under Charges.** The pendency of charges against a member otherwise eligible does not vitiate the votes cast for him or render him ineligible to an election as Master.²⁰

[§895] g. **Sitting Warden Ineligible to Fill Vacancy.** Neither of the duly elected and installed Wardens is eligible for election to fill a vacancy in the office of Master.²¹

[§896] h. **Warden Absent During Entire Term.** An elected Warden who remained absent from his station during the entire term was held not eligible to election as Master.²²

13. Paige G. M., 1864 p. 25, Comp. 98, 101 (21), *approved* 1864 p. 164, Comp. 105; 1868 p. 47, Comp. 124; *Re Manner of Installation, etc.*, 1941 p. 123, *approved* 1942 p. 114, Comp. 1180, 1182.

14. Matter of Perfect Ashlar Lodge No. 604, 1948 p. 43, *approved* 1948 p. 73, where it was proposed to elect the Master and two Wardens, that the former decline, the wardens be installed and at the next communication one of them be elected Master.

15. Matter of Widow's Son Lodge No. 335, 1948 p. 43, *approved* 1948 p. 73.

16. In the Matter of Master's Qualifications, etc., 1929 p. 113, Comp. 943, *approved* 1929 p. 206, Comp. 963.

17. Brown 1947 p. 33 (5), *approved* 1947 p. 154.

18. 1859 p. 257, Comp. 60, *modifying* Lewis G. M., 1859 p. 28, Comp. 56, 58 (28); 1863 p. 209, Comp. 95, 96, *reversing* Crane G. M., 1863 p. 18, Comp. 90, 93 (16); Thorne G. M., 1876 p. 29, Comp. 178, 183 (xxv).

19. 1916 p. 201, Comp. 788, 789 (3), *approving* Eligibility of Warden, etc., 1915 p. 202, Comp. 708.

20. King G. M., 1862 p. 28, Comp. 74, 78 (32).

21. Matter of Red Jacket Lodge No. 646, 1910 p. 425, Comp. 404, 421; Matter of Bronx Lodge, 1911 p. 244, Comp. 521, 539; Matter of Baldwin Lodge No. 1047, 1941 p. 122, *approved* 1942 p. 114, 117, Comp. 1178, 1180.

22. 1851 p. 91, Comp. 25. See also Matter of Bronx Lodge, 1911 p. 244, Comp. 521, 537 *et seq.*

[\$897] 3. For Tiler. The Tiler must be a member in good standing of some Lodge, but need not be a member of the Lodge for which he tiles.²³

[\$898] C. Election—1. When Held—a. Officers Generally. The elective officers of a chartered Lodge shall be chosen annually at the last Stated Communication of the Lodge in the month of December²⁴ and an election, except to fill a vacancy²⁵ or one held under a dispensation,²⁶ is void if held before²⁷ or after²⁸ the constitutional time.

[\$899] b. Trustee Under Benevolent Orders Law. One Trustee of a Lodge which is organized under the Benevolent Orders Law shall be elected annually in the same manner and at the same time as the first three officers of the Lodge are elected.²⁹ That date was formerly fixed by the Constitutions as the regular meeting preceding the Festival of St. John the Evangelist, 27 December,³⁰ and as the term of a Trustee expires on the day of that Festival, it would seem that incorporated Lodges should, by their by-laws, fix their Stated Communications so that none would occur later than December 27.

[\$900] 2. Lodge Must Be Summoned for Election—a. Rule Stated. The Lodge must be summoned for the annual election of officers.³¹

[\$901] b. Form of Summons for Election of Officers. A summons to attend an election of Lodge officers may be in the following form:³²

Freetown, N. Y., Dec. 5, 1951.

Bro. *John Doe*:

You are hereby summoned to attend the Stated Communication of *Standard Lodge, No. 2000*, to be held in its Lodge-room at *Freetown* on the *19th* day of *December, 1951*, at *8 P.M.*, for the purpose of electing officers for the ensuing year.

By order of

John Master, Master.

(SEAL) *James Clerk, Secretary.*

[\$902] 3. Election Must Be by Ballot. The elective officers of a Lodge must be chosen by ballot.³³

23. Consts., §304.

Good standing defined, see *supra*, §8.

24. Consts., §302.

25. See *infra*, §937.

26. See *supra*, §§191-195.

27. King G. M., 1862 p. 28, Comp. 74, 79 (38); Smith G. M., 1913 p. 71, Comp. 582; Re La Salle Lodge No. 1049, 1940 p. 79, *approved* 1941 p. 214, Comp. 1160.

28. Gibson G. M., 1870 p. 47, Comp. 154, 156.

29. Ben. Ord. L., §4, Consts. p. 123.

30. King G. M., 1862 p. 28, Comp.

74, 79 (38).

31. Consts., §302; Paige G. M., 1864 p. 25, Comp. 98, 101 (20), *approved* 1864 p. 164, Comp. 105; Gibson G. M., 1870 p. 47, Comp. 154, 156; Thorne G. M., 1875 p. 30, Comp. 163, 167 (29), *approved* 1875 p. 231, Comp. 175; Matter of Callicoon Lodge No. 521, 1917 p. 99, Comp. 796.

32. Consts., p. 119 (§).

Summons generally, see *infra*, §§994-1004.

33. Consts. §302.

Ballot defined, see *supra*, §2.

[§903] 4. Nominating Speeches. Notwithstanding election must be by ballot, unless prohibited by by-laws of the Lodge or by motion duly passed, qualified brethren for elective offices may be nominated from the floor by any member of the Lodge, who may speak thereto subject to the control and regulation of the presiding officer.³⁴

[§904] 5. Who May Vote at Election of Officers. Unless disfranchised for non-payment of dues, every member of a Lodge in good standing is entitled to vote for its officers.³⁵

[§905] 6. Majority Vote Elects—*a.* Rule Stated. A majority of votes is necessary to elect the officers of a Lodge.³⁶

[§906] *b.* Effect of Blank Ballots. The Constitutions provide that, in considering the number of ballots cast for officers and determining what constitutes a majority of votes, blank ballots are excluded.³⁷

[§907] *c.* Effect of Void Ballots. Where void votes cast are sufficient in number to change the result if eliminated, the election is void.³⁸

[§908] D. Installation of Lodge Officers—1. Required after Each Election or Re-election—*a.* Rule Stated. The Master³⁹ and other officers⁴⁰ must be installed after each election or re-election.

[§909] *b.* Except Master May Be Installed by Proxy. Except in the case of the Master, a member of a Lodge may be installed by proxy, at the discretion of the installing officer, in any office of which he has signified his acceptance.⁴¹ Such an installation is rendered valid by any subsequent act of the brother thus installed, which would tend to show his acceptance of the office.⁴² Induction into the military service of the United States does not make permissible the installation by proxy of the Master-elect.⁴³

[§910] 2. Date for Installation—*a.* In General. Lodge officers must be installed at or before the next Stated Communication following their election,⁴⁴ even though such communication falls on a legal

34. Matter of Green, 1910 p. 562, Comp. 379, 381; Re Brooklyn Lodge No. 288, 1940 p. 81, approved 1941 p. 214, Comp. 1163.

Regulating nominating speeches, see *infra*, §988.

35. Consts., §302.

Disfranchisement, see *supra*, §683.

Good standing defined, see *supra*, §8.

36. Consts., §302; Matter of Cohoes Lodge No. 116, 1946 p. 84, approved 1946 p. 101, 103.

37. Consts., §302.

38. Matter of Dexter Lodge No.

1072, 1942 p. 45, approved 1942 p. 119, Comp. 1193.

39. Consts., §§302, 306; Simons G. M., 1861 p. 18, Comp. 64, 65 (13); Thorne G. M., 1875 p. 30, Comp. 163, 168 (35), approved 1875 p. 231, Comp. 175.

40. Consts., §306.

41. Consts., §307.

42. Thorne G. M., 1875 p. 30, Comp. 163, 168 (37), approved 1875 p. 231, Comp. 175.

43. Matter of Sylvan Lodge No. 303, 1918 p. 133, Comp. 813.

44. Consts., §302.

holiday.⁴⁶ In other words, they must be installed at or before the first Stated Communication in January.⁴⁶

[§911] b. When Constitutional Officer Fails or Refuses at Prescribed Time. 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.⁴⁷

[§912] c. When Offices of Master and Wardens All Vacant. When the offices of Master and Wardens become vacant the Grand Master shall issue his dispensation to the District Deputy Grand Master of the District in which the Lodge is located directing the assembling of the Lodge, the holding of an election to fill the vacancies and the installation of the officers.⁴⁸

[§913] d. When Irregularly Installed. In the event that there has been a failure to install as prescribed by the Constitutions, as at an open ceremony or one not opened and working in the Third Degree, they are only officers *de facto* and can become such *de jure* only by being again installed at a Special or Stated Communication pursuant to a dispensation from the Grand Master.⁴⁹

[§914] 3. Place for Installation. The installation shall be held at a regular or special communication of the Lodge and behind tiled doors,⁵⁰ but two or more Lodges may be authorized by a dispensation of the Grand Master to hold a common installation ceremony at a place selected by them.⁵¹

[§915] 4. Secrets of the Chair. Previous to installation, whether as Master of a Lodge under dispensation⁵² or as Master-elect of a chartered Lodge,⁵³ the new Master must be put in possession of the secrets of the chair, but after the first installation he need not again be qualified.⁵⁴ This is done by a Past Master by actual election in a Lodge, either in the presence of other actual Masters, or without, if none can be obtained, but in no case either by or in the presence of brothers only Past Masters by virtue of a Chapter degree.⁵⁵

45. Matter of Whiteface Mountain Lodge No. 789, 1947 p. 35, approved 1947 p. 154.

46. Re Syrio-American Lodge No. 1, 1951 p. 23, approved 1951 p. 26.

47. Consts., §302.

48. Consts., §318.

49. Re Syrio-American Lodge No. 1, 1951 p. 23, approved 1951 p. 26.

50. 1935 p. 82.

51. Re Joint Installation Cere-

monies, 1942 p. 58, approved 1942 p. 120, Comp. 1211.

52. Re Manner of Installation, etc., 1941 p. 123, approved 1942 p. 114, 117, Comp. 1180, 1182.

53. Consts., §308; Th^o G. M., 1875 p. 30, Comp. 163, 168 (36), approved 1875 p. 231, Comp. 175.

54. Simons G. M., 1861 p. 18, Comp. 64, 65 (13).

55. Anthon G. M., 1871 p. 32, Comp. 157, 158 (iii).

[§916] 5. **Installing Officer—**a. **Must Be Master or Past Master.** The ceremony of installing the officers of a Lodge must be performed by an actual Master or Past Master of a Lodge⁵⁶ and a Past Master invited to install may not delegate to another, not a Past Master, the installation of some of them.⁵⁷

[§917] b. **Installing Officer Does Not Represent Grand Master.** The installing officer is not the representative of the Grand Master and does not act as his proxy or possess any of his powers, but derives his authority to install from the Constitutions.⁵⁸

[§918] c. **Rights and Duties of Installing Officer.** The installing officer has no right, in front of and before the assembled members, to demand or permit any public objection to the installation, other than such as pertains to the regularity or irregularity of the election itself, or to receive private information and refer it to a committee for investigation.⁵⁹

[§919] 6. **Objection to Installation.** An objection to the installation of an officer-elect, except for irregularity in the election, cannot properly be made in open Lodge or operate to prevent his installation.⁶⁰

[§920] 7. **Effect of Installation on Irregular Election.** Where officers of a Lodge were irregularly chosen, through inadvertence, their subsequent regular installation, at a Stated Communication and without objection, corrects the error.⁶¹

[§921] E. **Term of Office—**1. **Generally.** Unless his office becomes vacant by some means recognized by the Constitutions, every officer shall hold his office until his successor shall have been installed.⁶²

[§922] 2. **Trustees Under Benevolent Orders Law.** When a Lodge incorporates under the provisions of the Benevolent Orders Law, the persons first elected Trustees shall be divided by lot by the officer making the certificate of election, so that the term of one shall expire on the day of the festival of Saint John the Evangelist, next thereafter, and another in one year and the third in two years thereafter. Their successors are elected for a term of three years, except when elected to fill a vacancy, in which case the person so elected shall hold his office during the unexpired term of the Trustee, whose place he was elected to fill.⁶³

56. Consts., §302; Thorne G. M., 1875 p. 30, Comp. 163, 169 (38), approved 1875 p. 231, Comp. 175.

57. Matter of Fraternal Lodge No. 625, 1948 p. 47, approved 1948 p. 73.

58. Matter of Prime, 1911 p. 231, Comp. 512, 519.

59. Matter of Prime, 1911 p. 231, Comp. 512, 519.

60. Matter of Prime, 1911 p. 231, Comp. 512, 519.

61. Lewis G. M., 1859 p. 28, Comp. 56, 59 (35); Thorne G. M., 1875 p. 30, Comp. 163, 167 (28), approved 1875 p. 231, Comp. 175.

62. Consts., §316; Matter of Bronx Lodge, 1911 p. 244, Comp. 531, 540; Matter of St. Johnsville Lodge No. 611, 1946 p. 101, 103.

63. Ben. Ord. L., §4, Consts. p. 123.

[§923] 3. When Charter Surrendered. The voluntary surrender of a Lodge warrant suspends the Master from the functions of his office and all his powers and privileges as Master thereupon cease, except the respect due to his standing, position and intelligence.⁶⁴

[§924] F. Vacancies in Lodge Office—1. How Created—a. In General. The Constitutions provide that a vacancy in office in a Lodge can occur only in one of five ways,⁶⁵ the first of which, death, need not be considered. While this enumeration is expressly stated to be exclusive, the provision must be understood as referring only to constitutional offices, for elsewhere the removal by the Master of appointive officers is expressly authorized.⁶⁶

[§925] b. By Election and Installation in Another Office. A vacancy in a Lodge office can occur by the election and installation of the holder of such office to fill another office in the Lodge, but this shall not apply to the Master and Wardens⁶⁷ except in the case of the election of the Junior Warden to fill a vacancy in the office of Senior Warden.⁶⁸

[§926] c. By Expulsion, Suspension or Removal—(I) Rule Stated. A vacancy in office in a Lodge can occur by expulsion, by suspension for a time extending beyond the next annual election or by removal from office.⁶⁹

[§927] (II) Pendency of Charges Alone Insufficient. While the Grand Master may suspend an officer against whom charges are preferred, the mere pendency of charges does not vacate his office until after due Masonic trial and a penalty has been decreed upon the duration of which will depend his right to continue his functions.⁷⁰

[§928] d. By Resignation. A vacancy in a Lodge office, other than that of Master or Wardens, may occur through resignation.⁷¹

[§929] e. By Unaffiliation Under Dual Membership. Under dual membership, unaffiliation in one Lodge for non-payment of dues operates to cause loss of membership in any other Lodge of which such unaffiliate may have been a member,⁷² notwithstanding he may have been an officer therein and in such circumstances his office is vacated.⁷³

64. King G. M., 1862 p. 28, Comp. 74, 79 (39).

Surrender of charter, see *supra*, §885.

65. Consts., §317; Matter of Suburban Lodge No. 1087, 1942 p. 56, approved 1942 p. 119, Comp. 1209. 1210.

66. Consts., §309, subs. 5.

67. Consts., §317, subs. 3.

68. Consts., §317, subs. 4.

69. Consts., §317, subs. 5.

70. Thorne G. M., 1875 p. 30, Comp. 163, 174 (63), approved 1875 p. 231, Comp. 175.

Right of Grand Master to suspend, see *supra*, §236.

71. Consts., §317, subs. 2.

72. Consts., §349.

73. Consts., §317, subs. 6; In the Matter of the Status, etc., 1933 p. 111, approved 1933 p. 179, Comp. 1101, 1104.

[§930] f. **By Withdrawal from Membership.** A vacancy in Lodge office can occur through the withdrawal of the officer from membership in the Lodge.⁷⁴ Hence, a Warden, though an elective officer, vacates his office by taking a dimit.⁷⁵

[§931] g. **Removal from State.** The removal of the Master from the state does not vacate his office.⁷⁶

[§932] h. **Unavoidable Absence in Military Service.** Unavoidable absence in military service does not create a vacancy in the office of Master or Warden.⁷⁷

[§933] i. **When Lodge Organized under Benevolent Orders Law**—(I) **Rule Stated.** If any Trustee die, resign, dimit, be suspended or expelled, remove from the state, or become incapacitated for performing the duties of his office, his office shall be deemed vacant.⁷⁸ But no board of trustees for any Lodge filing a certificate under the Benevolent Orders Law shall be deemed to be dissolved for any neglect or omission to elect a Trustee annually or to 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 to fill such vacancy or vacancies at any Stated 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.⁷⁹

[§934] (II) **Commitment of Trustee as Insane.** The commitment of a Trustee as insane justifies an election, without dispensation, to hold an election to fill the vacancy for the unexpired portion of the Trustee's term.⁸⁰

[§935] (III) **Removal Within State.** Removal of a Trustee from one locality to another within the state does not warrant a declaration that his office has become vacant.⁸¹

[§936] 2. **When and How Vacancies Filled**—a. **Generally.** A vacancy in an elective office of the Lodge, except that of Master, may be filled by ballot at any Stated Communication, upon due notice to the members,⁸² which in the case of the first five officers would mean

74. Consts., §317, subs. 7.

75. Sylvan Grove Lodge No. 275, 1944 p. 41, 49, *approved* 1944 p. 83-84.

76. Klinck G. M., 1938 p. 71, 72, *approved* 1938 p. 145, Comp. 1136, holding that Consts., §§316, 317, control and earlier decisions to the contrary no longer apply.

77. Matter of Suburban Lodge No. 1087, 1942 p. 56, *approved* 1942 p. 119, Comp. 1209, 1210.

78. Ben Ord. L., §4, Consts., p. 123.

79. Ben. Ord. L., §3, Consts., p. 122.

80. Klinck G. M., 1937 p. 76, *approved* 1937 p. 152, Comp. 1130.

81. Matter of Northeast Lodge No. 995, 1941 p. 115, *approved* 1941 p. 113, 117, Comp. 1170.

82. Consts., §318.

Ballot defined, *see supra*, §2.

a summons,⁸³ and can be filled for the unexpired term in no other way.⁸⁴ A vacancy in an appointive office may be filled at any time.⁸⁵

[§937] b. Master. The Book of Constitutions provides that in case of a vacancy in the office of Master the Senior and Junior Wardens shall, in succession, succeed to his prerogatives and duties for all purposes, except such as pertain to the installation of officers.⁸⁶ While it would seem that in the interest of harmony this is the preferable procedure,⁸⁷ the Grand Master may, nevertheless, issue a dispensation for an election to fill an *ad interim* vacancy, notwithstanding the presence in the Lodge of one or both of the Lodge's duly elected and installed Wardens.⁸⁸

[§938] c. Wardens. If a Warden die after his election and before his installation, a dispensation may be issued to hold a new election,⁸⁹ but it was held that if the office was vacated after installation, it could be filled only by the Master making a temporary appointment at each Communication during the remainder of the year⁹⁰ and that when either the Senior Warden or Junior Warden was acting as temporary Master he must fill the vacancy in his station for each Communication by designating a brother for that purpose for the time being.⁹¹ While it would seem that, for the purpose of preserving harmony, this is the preferable procedure,⁹² the Grand Master may, nevertheless, issue a dispensation for an election to fill an *ad interim* vacancy, notwithstanding the presence in the Lodge of the Lodge's remaining duly elected and installed Warden.⁹³

[§939] d. Master and Wardens. In case the offices of Master and Wardens become vacant, the Secretary shall immediately notify the Grand Master of that fact, who shall issue a dispensation to the District Deputy Grand Master of the District in which the Lodge is located, directing the assembling of the Lodge, the holding of an election to fill the vacancies and the installation of the officers.⁹⁴ It is

83. Matter of Neal, 1910 p. 533, Comp. 339, Treasurer; Re Filling Vacancy, etc., 1945 p. 51, approved 1945 p. 79, Treasurer.

84. Matter of Neal, 1910 p. 533, Comp. 339.

85. Consts., §318.

86. Consts., §310.

87. Matter of Baldwin Lodge No. 1047, 1947 p. 122, approved 1942 p. 114, 117, Comp. 1178, 1180.

88. Matter of Red Jacket Lodge No. 646, 1910 p. 425, Comp. 404, 420; Matter of Baldwin Lodge No. 1947, 1941 p. 122, approved 1942 p. 114, 117, Comp. 1178, 1179.

89. Gibson G. M., 1869 p. 47, Comp. 140, 144.

90. Paige G. M., 1864 p. 25, Comp. 98 (2), approved 1864 p. 164, Comp. 105; Gibson G. M., 1869 p. 47, Comp. 140, 144.

91. Paige G. M., 1864 p. 25, Comp. 98 (2), approved 1864 p. 164, Comp. 105; Matter of Red Jacket Lodge No. 646, 1910 p. 425, Comp. 404, 420.

92. Matter of Baldwin Lodge No. 1047, 1941 p. 122, approved 1942 p. 114, 117, Comp. 1178, 1180.

93. Matter of Red Jacket Lodge No. 646, 1910 p. 425, Comp. 404, 420; Matter of Baldwin Lodge No. 1047, 1941 p. 122, approved 1942 p. 114, 117, Comp. 1178, 1179.

94. Consts., §318.

only when all three offices are vacant that action to fill them by election becomes obligatory.⁹⁵

[§940] e. **Trustee Under Benevolent Orders Law.** A Lodge incorporated under the Benevolent Orders Law may, at any Stated Communication, fill any vacancy in the office of Trustee, by ballot, which election shall be certified in like manner and with like effect as an annual election.⁹⁶

[§941] G. **Duties, Powers and Privileges—1. Of Lodge Officers Generally—**a. **Aprons and Jewels.** Except as otherwise especially ordered or allowed by Grand Lodge, the jewels of the officers of Particular Lodges shall be of silver or white metal and the color of their aprons shall be white, or white and blue, and with or without silver ornamentations.⁹⁷

[§942] b. **Are Subject to Direction of Master or Presiding Officer.** The officers of a Lodge shall be subject, in all things relating to their official duties, to the direction of the Master or presiding officer.⁹⁸

[§943] c. **Petitioning to Form New Lodge.** An elected officer of a Lodge shall not be a petitioner for a dispensation for the erection of a new Lodge.⁹⁹

[§944] d. **Procuring Advancement of Brother in Another Lodge.** Except by direction of his Lodge, no officer of a Lodge is permitted to procure the advancement of a brother in another Lodge than that having jurisdiction over him.¹ This is a matter for Lodge action.²

[§945] 2. **Of Particular Lodge Officers—**a. **Master—(I) In General.** The office of Master is as old as the present system of Masonry and carries with it great power and honor and corresponding responsibility.³ He is clothed with power unknown to the presiding officer of any other organization, save only the Grand Master when presiding in Grand Lodge.⁴ His powers, while performing the functions of his station, may be and are absolute, but absolute within the prescribed limitations of fundamental law and held in check by due regard to, and observance of, the safeguards of corporate and individual right and most effectively and benignly exercised when within the purview of the law of obedience. The most successful administration is that which will secure to the Lodge harmony and prosperity and to individual members good will and hap-

95. Matter of Baldwin Lodge No. 1047, 1941 p. 122, approved 1942 p. 114, 117. Comp. 1178, 1179.

96. Ben. Ord. L., §4, Consts., p. 123.

97. Consts., §315.

98. Consts., §314.

99. Consts., §327

1. Consts., §364.

2. See *supra*, §§593, 594.

3. Eligibility of Warden, etc., 1915 p. 202, Comp. 708, 709.

4. Matter of Tompkins, 1890 p. 216, Comp. 233, 234.

piness.⁵ He is bound when presiding, to be courteous, and yet firm, ruling always with patience and faithfulness,⁶ but his decisions and actions should be sustained unless some grievous wrong is occasioned.⁷ Some of his specific duties, powers and limitations are discussed in following sections.⁸

[\$946] (II) Admitting, Excluding or Ejecting Members or Visitors—(A) Generally. The Master may refuse admission of a brother during the opening of the Lodge, or while any work is progressing, after it has been commenced⁹ and, on his own responsibility, may exclude temporarily any Mason, whether a member of his Lodge or not, if in his judgment his admission to, or continuance within, will disturb its peace and harmony,¹⁰ being accountable for the proper government of it, not to its members, but to Grand Lodge alone, who will, of course, see that he does not rule in an unjust or arbitrary manner.¹¹ It is also the right of a Master to determine the validity of objections to a request to visit his Lodge, he being responsible for the abuse of his discretion,¹² and is bound to respect such objection only when convinced that the objector is honest and sincere in making the objection.¹³

So, too, he may order the retirement of a visitor whose presence would disturb the harmony of the Lodge or embarrass its work¹⁴ and should order the retirement of one entering disguised in liquor.¹⁵ Should a member become boisterous and riotous so as to interfere with the work of the Lodge or become inflamed with passion and indulge in verbal or physical attacks upon any person else in the room, the duty rests with the Master to quell the disturbance and, in order to enable his Lodge to proceed with its business, he not only may, but most emphatically should, eject the disturber from the room, provided he cannot otherwise secure obedience to the sound

5. Matter of Downey, 1880 p. 55, Comp. 206.

It is basic that, in so far as his action is not circumscribed by the Ancient Landmarks, the Book of Constitutions, the established usages and customs of the Craft or his Lodge by-laws, a Master is free to follow his own judgment respecting the exigencies of a particular situation so long as his action is not unduly arbitrary and provocative of disunity. Opinion "B", 1942 p. 49, approved 1942 p. 117, Comp. 1197, 1200.

6. Gibson G. M., 1869 p. 47, Comp. 140, 141.

7. Matter of City Lodge, 1910 p. 534, Comp. 340.

8. See *infra*, §§946-1008.

9. Gibson G. M., 1869 p. 47, Comp. 140, 141.

10. Consts., §505; 1820 2 Kane R. p. 207, 210, Comp. 7; Comm. Cond. M., 1856 p. 154, Comp. 28; Thorne G. M., 1875 p. 30, Comp. 163, 167 (30), approved 1875 p. 231, Comp. 175; Matter of Tompkins, 1899 p. 216, Comp. 233, 234.

11. Comm. Cond. M., 1856 p. 154, Comp. 28.

12. Lewis G. M., 1859 p. 28, Comp. 56, 57 (12).

13. Matter of Tompkins, 1899 p. 216, Comp. 233, 240.

14. Consts., §505; King G. M., 1862 p. 28, Comp. 74, 78 (33).

15. Gibson G. M., 1870 p. 45, Comp. 152.

of the gavel.¹⁶ He may, on his own responsibility, in the case of a member using offensive language in open Lodge, suspend him until he write a letter of apology¹⁷ but he may not do so in the case of a letter written to the Grand Secretary¹⁸ and such exclusion may not be for a definite time fixed in advance, but must be limited to such period as there is reasonable ground to apprehend that his presence will be prejudicial to the welfare of the Lodge.¹⁹

[§947] (B) Committee to Examine Visitor. Private examinations of visitors are not favored and before the Master should admit a visitor the examination should be by a committee appointed by him.²⁰

[§948] (C) Entered Apprentices or Fellow Crafts. Although Entered Apprentices or Fellow Crafts have no right to visit other Lodges, even when open in the degree to which they have attained, the Master may allow them to enter from courtesy.²¹

[§949] (III) Amount of Ceremony Exemplified. The Master may determine how much or how little of the ceremonies of any degree shall be exemplified at any one Communication.²²

[§950] (IV) Appointing Committees—(A) Rule Stated. It is the prerogative of the Master to select the personnel of all committees and this inherent right cannot be impaired by vote of the Lodge²³ or by Lodge by-law.²⁴ This being the case, he may unquestionably appoint the same men to successive Investigating Committees, although such a practice would be unwise.²⁵

[§951] (B) Master Ex-Officio Chairman of All Committees. The Master is *ex-officio* chairman of all committees of the Lodge and may act as such if he choose. If a committee will not or do not report seasonably, when directed, he may summon the committee to assemble and decide and himself report the determination of the majority.²⁶

[§952] (V) Appointing Officers—(A) Generally. It is the prerogative of the Master to appoint Lodge officers for whose appoint-

16. Matter of Tompkins, 1899 p. 216, Comp. 233, 234-235.

17. Matter of Tompkins, 1899 p. 216, Comp. 233, 234; Matter of Ford, 1913 p. 293, Comp. 640.

18. Matter of Leonardo Lodge No. 937, 1947 p. 445, *approved* 1947 p. 154, *a fortiori* if the accused deny writing same.

19. Matter of Pacific Lodge No. 233, 1946 p. 78, *approved* 1946 p. 101, 103.

20. Matter of Watkins, 1910 p. 508, Comp. 305; Matter of Niagara Frontier Lodge No. 132, 1948 p. 61, *approved* 1948 p. 73.

21. Gibson G. M., 1869 p. 47, Comp. 140, 143.

22. Matter of Tompkins, 1899 p. 216, Comp. 233, 234.

23. Matter of Nathan Hale Lodge No. 1006, 1943 p. 52.

24. Matter of Nathan Hale Lodge No. 1006, 1943 p. 52; *Re The Prerogatives, etc.*, 1947 p. 33, *approved* 1947 p. 154.

25. *Re The Prerogatives, etc.*, 1946 p. 78, *approved* 1946 p. 101, 103.

26. Gibson G. M., 1869 p. 47, Comp. 140, 141.

ment provision is made in the Lodge by-laws,²⁷ but he has no authority to appoint an officer for which the by-laws make no provision.²⁸

[§953] (B) To Fill Vacancy. The Master may fill a vacancy in an appointive office at any time²⁹ and it is his duty to make a temporary appointment to fill the chair of a Warden,³⁰ in doing which he may appoint a visitor, not a member of the Lodge, to act as such while candidates are being balloted upon and such appointment carries with it all the duties of the Warden, including inspection of the ballot,³¹ but he cannot fill a vacancy in the office of Treasurer for the balance of an unexpired term.³²

[§954] (VI) Approving Lodge Returns. It is the duty of the Master to approve the annual returns of his Lodge made by the Lodge Secretary to Grand Lodge.³³

[§955] (VII) Calling or Omitting Communications³⁴—(A) Emergent or Special Communication. The Master has the power and it is his duty to congregate the members of his Lodge upon any emergency,³⁵ as to the burial of a brother's remains,³⁶ but he has no power to call special meetings for the purpose of conferring degrees at places other than the regular meeting-place of the Lodge.³⁷

[§956] (B) Stated Communication. The by-laws or resolutions of a Lodge lawfully adopted are controlling as to Stated Communications and the Master is powerless to interfere with them by declaring off one fixed in the by-laws³⁸ or by directing the holding of one at a time during which, by lawful resolution, it was declared that no Stated Communication should be held.³⁹ So the words "unless otherwise ordered" at the end of a by-law fixing the hour and days on which Stated Communications are to be held do not authorize the Master to call a Stated Communication for a day other than that definitely set forth in the by-law.⁴⁰

27. Matter of New London Lodge No. 420, 1948 p. 44, *approved* 1948 p. 73, holding a by-law void which attempted to give the Wardens a voice in the appointment of the junior officers.

28. Ehlers Lodge No. 953, 1944 p. 40, in this instance two Senior Deacons.

29. Consts., §318.

30. Vacancy in Warden's chair, see *supra*, §938.

31. Matter of Nunda Station Lodge No. 682, 1939 p. 62, *approved* 1939 p. 118, Comp. 1156.

32. Matter of Neal, 1910 p. 533, Comp. 340; *Re Filling Vacancy*, etc., 1945 p. 51, *approved* 1945 p. 79.

33. Consts., §313, subs. 6.

34. Communications, see *supra*, §§622-634.

35. Consts., §309, subs. 1.

36. Gibson G. M., 1870 p. 47, Comp. 154, 155.

37. Matter of Paul Revere Lodge No. 929, 1916 p. 174, Comp. 765, 769.

38. Matter of Whiteface Mountain Lodge No. 789, 1947 p. 35, *approved* 1947 p. 154.

39. In the Matter of Morning Star Lodge No. 524, 1913 p. 223, Comp. 599.

40. Covenant Lodge No. 758, 1944 p. 40, 48, *approved* 1944 p. 82

[§957] (C) Closing Lodge Indefinitely. A Master has no right to close his Lodge indefinitely, subject to his call or summons.⁴¹

[§958] (VIII) Changing or Determining Order of Business. The Master may change the order of business from that laid down in the by-laws of his Lodge.⁴² Where a demand for a rebalot and a request to withdraw a petition upon which favorable action has been taken, it is wholly within the Master's discretion on which action shall be taken first.⁴³

[§959] (IX) Closing Debate. A Master may close debate on any question pending before his Lodge according to his judgment and not the judgment of his brethren.⁴⁴

[§960] (X) Custody of Lodge Charter. It is not necessary that the charter of a Lodge should remain continuously in the Master's physical possession. During the recess of the Lodge it may be deposited in some safe place within his control.⁴⁵

[§961] (XI) Denying Tiler's Right to Ballot Not Allowed. The Master may not deny the Tiler his right to ballot on an application for affiliation.⁴⁶

[§962] (XII) Destroying Ballot. The ritualistic statement that a ballot is closed does not preclude the Master from exercising his discretionary right to destroy it.⁴⁷ This he may do twice on a petition for initiation or affiliation, but no more, and shall announce the result of the third ballot.⁴⁸ While, if a collective ballot be cloudy the Master may not announce the result, he must nevertheless include such collective ballot in the number which may be destroyed before announcing the final result.⁴⁹

[§963] (XIII) Determining Qualifications of Candidate—(A) Physical Fitness. The duty of determining what physical condition will disqualify a candidate rests on the Master.⁵⁰ He is not responsible

41. Comm. Cond. M., 1864 p. 136, Comp. 102, 103 (4).

42. Matter of Tompkins, 1899 p. 216, Comp. 233, 234.

43. Matter of Round Hill Lodge No. 533, 1948 p. 59, *approved* 1948 p. 73.

44. Matter of Tompkins, 1899 p. 216, Comp. 233, 234.

45. Matter of Mt. Vernon Lodge of Java, 1910 p. 571, Comp. 391, 394.

46. Matter of Barret, 1883 p. 93, Comp. 220.

47. Re Holding of Subsequent Bal- lot, etc., 1942 p. 47, *approved* 1942 p. 117, Comp. 1195.

48. Consts., §354. See also *supra*, §§551-552.

49. Re Section 354, etc., 1938 p. 75,

approved 1938 p. 146, Comp. 1139, 1140

50. Comm. J., 1864 p. 145, Comp. 103-104, congenital humpback; Anthon G. M., 1871 p. 32, Comp. 157, 158; Thorne G. M., 1875 p. 30, Comp. 163, 173 (59), *approved* 1875 p. 231, Comp. 175; In the Matter of Kilwinning Lodge, 1910 p. 494, Comp. 285, 290, loss of part of third and fourth fingers of right hand; In re Lefevre, 1910 p. 498, Comp. 291, inability to walk without crutch; Matter of Livingston Lodge 1910 p. 498, Comp. 290, 291, wearer of steel brace from foot to right knee; Matter of Wallace, 1910 p. 499, Comp. 292, wearer of cork foot; In the Matter of Physical Qualifications, etc., 1929

to his Lodge therefor, but only to Grand Lodge, and what methods he shall use to satisfy himself as to such physical qualifications is a matter for him to determine and is not subject to the direction of the Lodge, as by a by-law requiring a physical examination by a physician.⁵¹

[\$964] (B) Proficiency in Preceding Degree. It is the prerogative of the Master to determine whether the proficiency of candidates shall be ascertained from an examination in open Lodge or by a committee appointed for that purpose,⁵² but the manner of acquiring such proficiency is not within his absolute control.⁵³ No objection to the method adopted by him need be respected⁵⁴ and any by-law attempting to regulate his action is void.⁵⁵

[\$965] (C) Residence. Even after favorable report by an Investigating Committee, the Master may refuse to ballot or initiate on the ground that the Lodge has not jurisdiction over the candidate by reason of non-residence.⁵⁶

[\$966] (XIV) Determining Validity of By-Law. The Master has no judicial authority to determine the validity or invalidity of a by-law of the Lodge.⁵⁷

[\$967] (XV) Dimitting. The Master cannot dimit from the Lodge.⁵⁸

p. 115, Comp. 947, approved 1929 p. 206, Comp. 963; Matter of Mt. Vernon Lodge No. 263, 1943 p. 47-48, two fingers of right hand lost at second joint; Matter of Eastern Light Lodge No. 126, 1943 p. 47-48, a certified typhoid carrier.

Physical qualifications, see *supra*, §§498-499.

51. Richardson G. M., 1927 p. 132, Comp. 892-893, approved 1927 p. 245, Comp. 897.

52. Richardson G. M., 1927 p. 132, Comp. 890, 892 (2), approved 1927 p. 245, Comp. 897.

53. Froessel G. M., 1946 p. 81 (11), approved 1946 p. 101, 103, where the question was the propriety of a requirement by a Master that before advancement the candidate must have attended a course of lectures based upon the Lodge System of Masonic Instruction.

Proficiency in preceding degree, see *supra*, §§590-592.

54. Matter of City Lodge, 1910 p.

534, Comp. 340; Matter of Chancellor Kent Lodge, 1911 p. 257, Comp. 550, 551; Richardson G. M., 1927 p. 132, Comp. 890, 892 (2), approved 1927 p. 245, Comp. 897.

55. Richardson G. M., 1927 p. 132, Comp. 890, 892 (2), approved 1927 p. 245, Comp. 897.

56. Anthon G. M., 1871 p. 32, Comp. 157, 159 (iv).

Residential requirement, see *supra*, §§465-469.

57. Comm. J., 1917 p. 236, Comp. 806, 808, approving Matter of Audobon Lodge, 1916 p. 180, Comp. 774, which said, that if he believes one invalid, he may refuse to obey it so far as it affects him, but in doing so assumes the risk of having to answer for his conduct.

58. Consts., §§316, 317, subs. 2; Comm. Cond. M., 1863 p. 173, Comp. 94; Gibson G. M., 1869 p. 47, Comp. 140, 141.

Dimitting generally, see *supra*, §§600-670.

[§968] (XVI) ~~Resolving Matters of Voting~~ Although, in the usual situation, it is preferable practice for the Master to direct a vote upon a question of waiver of jurisdiction by show of hands, he may, in his discretion, direct that it be taken by secret ballot.⁵⁹

[§969] (XVII) Election to Another Office Forbidden. A Master cannot be elected and installed to fill another office in the Lodge during his term.⁶⁰

[§970] (XVIII) Executive. The Master is empowered to discharge all the executive functions of the Lodge.⁶¹

[§971] (XIX) Inspecting Ballot-Box Before Ballot. It is the duty of the Master to see that the ballot-box is properly furnished with ballots of both kinds and in sufficient numbers to permit each brother freely to express his will.⁶²

[§972] (XX) Lodge Clubs. A Fellowcraft Club is subject to the control of the Master⁶³ and for all clubs under the supervision of the Lodge the Master is responsible and by a word, by a stroke of the pen, can cause them to cease to exist.⁶⁴

[§973] (XXI) Meeting with Other Masters. If a party of Masters 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, there is no reason which would require the assent of the Grand Master or which would necessitate the interference of the governing power.⁶⁵

[§974] (XXII) No Appeal from Decision While Presiding. From the decision of the Master while presiding, there shall be no appeal except to the Grand Master or to Grand Lodge.⁶⁶

[§975] (XXIII) Notifying Petitioner of Rejection. While it is the duty of the Lodge Secretary to notify a petitioner of his rejection,⁶⁷ the Master may, without impropriety, announce to a candidate previously notified that his petition had been accepted that he has been rejected on a rebalot.⁶⁸

59. Opinion "B", 1942 p. 49, approved 1942 p. 117, Comp. 1197, 1200.

60. Consts., §317, subs. 3.

61. Consts., §309, subs. 4.

62. Mork v. Phillipson, 1912 p. 278, Comp. 571, 577, approved 1912 p. 272, Comp. 567.

63. Amicable Lodge No. 665, 1944 p. 40, approved 1940 p. 80-81.

64. Richardson G. M., 1928 p. 50, Comp. 907, 908, who added: "Don't be afraid to use your authority. Don't permit a Club to become a secondary

Lodge, a wheel within a wheel, trying to manage your Lodge for you; that way lies the disruption of the harmony which it is the first duty of Masons to uphold."

65. Thorne G. M., 1876 p. 29, Comp. 178, 182 (xxi).

66. Consts., §311.

67. See *infra*, §1029.

68. Comm. Cond. M., 1875 p. 231, Comp. 175, 176 (19), *amending* Thorne G. M., 1876 p. 30, Comp. 163, 166 (19).

[§976] (XXIV) **Offenses and Liability Therefor.** A Master, like any member, is liable to Masonic discipline for the violation of any moral law or for an offense deemed criminal by the law of the land⁶⁹ and may be suspended from office by the Grand Master after charges preferred and before trial.⁷⁰ The Constitutions provide how charges against a Master shall be presented and tried⁷¹ and this precludes implication that he can be tried in any other way.⁷²

[§977] (XXV) **Opening Lodge to Confer Non-Masonic Degrees Forbidden.** A Master cannot open his Lodge to confer degrees other than those of Free and Accepted Masons or to allow others to confer them.⁷³

[§978] (XXVI) **Ordering Assessment Not Permitted.** The Master of a Lodge has no power to order an assessment to be made.⁷⁴

[§979] (XXVII) **Ordering Reballot.** The duty of the Master when a reballot is demanded is treated elsewhere,⁷⁵ but a demand for a ballot on advancement made in open Lodge is not a prerequisite and the Master may cause such a ballot on his own motion.⁷⁶ Indeed, he should do so when the petitioner has been guilty of misrepresentation, concealment or deceit in connection with his petition.⁷⁷ If a demand for a reballot is received at the same communication as a request for withdrawal of the petition by one who had been accepted, it is wholly in the discretion of the Master on which action shall be taken first.⁷⁸

[§980] (XXVIII) **Permitting Work to be Done by Qualified Brother—(A) Rule Stated.** The regulation of the labor is the Master's exclusive prerogative.⁷⁹ He may authorize any qualified brother, in his presence, to open the Lodge⁸⁰ or to preside therein⁸¹ or to fill

69. Thorne G. M., 1876 p. 29, Comp. 178, 181 (xxvi).

70. Lewis G. M., 1859 p. 28, Comm. 56, 59 (33); Simons G. M., 1861 p. 18, Comp. 64 (7).

71. See *infra*, §985 *et seq.*

72. Comm. on App., 1866 p. 77, Comp. 112, 113.

73. Gibson G. M., 1869 p. 47, Comp. 140, 141.

74. Gibson G. M., 1870 p. 46, Comp. 153.

Assessments generally, see *supra*, §§694-717.

75. Objections and demand for reballot, see *supra*, §§560-574.

76. In the Matter of St. Paul Lodge No. 124, 1929 p. 103, Comp. 928, approved 1929 p. 206, Comp. 963.

77. Holmes G. M., 1866 p. 19, Comp. 109, 110 (i), approved Comm. J. & Comm. Cond. M., 1866 p. 81, Comp. 113, use of an assumed name for purpose of deception; Matter of Beacon Light Lodge No. 701, 1914 p. 170, Comp. 656-657, giving his business as "musician" when in fact a "bartender."

78. Matter of Round Hill Lodge No. 533, 1948 p. 59, approved 1948 p. 73.

79. Matter of Citizens Lodge No. 628, 1949 p. 44, approved 1948 p. 73.

80. Comm. J., 1879 p. 101, Comp. 202.

81. Paige G. M., 1865 p. 24, Comp. 106, 108 (17), approved 1865 p. 195, Comp. 108.

the place of any officer temporarily absent,⁸² even though a visitor.⁸³ It is his prerogative to delegate to any person whom he desires the performance of any particular part of the work⁸⁴ and on the other hand he may refuse to permit any individual to take part in the work.⁸⁵

[§981] (B) Degree Teams. The only way that a degree team from one Lodge can legally work in another is for the Master to request the individuals composing such team to occupy temporarily the stations in his Lodge.⁸⁶

[§982] (XXIX) Postponing Consideration of Question. The Master may order the consideration of a question to lay over.⁸⁷

[§983] (XXX) Preferring Complaint of Masonic Misconduct. The Constitutions expressly make it the duty of the Master of a Lodge of which a brother convicted of a felony by a court of law of competent jurisdiction is a member to present a complaint against the brother, or cause the same to be presented against him, in the manner prescribed in the Code of Procedure.⁸⁸ It is also his duty, if it appear that a petitioner in his petition was guilty of misrepresentation, concealment or deceit, at the suggestion, upon the counsel or with the assistance of a brother, to see to it that charges of unmasonic conduct are preferred against such brother.⁸⁹

[§984] (XXXI) Presumed to Know Law. Masters are presumed to know the law and prescribed regulations authorizing and regulating the Lodge's functions,⁹⁰ but are urged to read and study the Book of Constitutions, the Compilation and Digest of Masonic Law and this Handbook.⁹¹

82. Matter of Nunda Station Lodge No. 682, 1939 p. 62, *approved* 1939 p. 118, Comp. 1156, in this case a Warden.

83. Richardson G. M., 1928 p. 211, Comp. 910 (4), *approved* 1928 p. 229, Comp. 910; Matter of Nunda Station Lodge No. 682, 1939 p. 62, *approved* 1939 p. 118, Comp. 1156.

84. Richardson G. M., 1928 p. 211, Comp. 910 (4), *approved* 1928 p. 229, Comp. 910; Matter of Citizens Lodge No. 628, 1948 p. 44, *approved* 1948 p. 73, holding void a by-law which undertook to prohibit any but a Master or Past Master from occupying any station in the exemplification of the legend of the third degree.

85. Matter of City Lodge, 1910 p. 534, Comp. 340, where a complaint was not received which in substance charged that the Master ordered an

Acting Senior Deacon not to allow the complainant to receive a candidate and denied the candidate the privilege of active floor work.

86. Richardson G. M., 1928 p. 211, Comp. 910 (4), *approved* 1928 p. 229, Comp. 910.

87. Gibson G. M., 1869 p. 47, Comp. 140, 141.

88. Consts., §405.

Manner of presenting complaint, see *infra*, §§1222-1228.

Charging fact of conviction in complaint, see *infra*, §1228.

89. Matter of Beacon Lodge Light No. 7041, 1914 p. 170, Comp. 656, 658, changing business from "bartender" to "musician."

90. Matter of Watson, Commsr. App., 1880 p. 53, 54, Comp. 203, 205.

91. Chipman J. A., 1940, p. 76, Comp. 1157.

[\$985] (XXXII) Publishing Names of Unaffiliates. The propriety of the Master causing the fact that two brothers had been unaffiliated for non-payment of dues and giving their names to be printed in his summons for election having been questioned, it was held that it would seem a matter for the Master's sound discretion, always provided the notice be sent in a sealed envelope directed to the member and marked "Strictly Personal."⁹²

[\$986] (XXXIII) Refusing to Confer Degree. The Master may refuse to confer a degree upon any candidate until such time, as in his judgment, it will be wise to do so.⁹³ Thus he has a right to refuse to initiate a candidate, notwithstanding his acceptance by the Lodge, but only to prevent injury to the Craft when his executive position renders such action imperative,⁹⁴ and where after a ballot has been commenced a claim of illegality is made, it is the duty of the Master to postpone the initiation of the candidate until a ruling is received upon the legality of the ballot.⁹⁵

[\$987] (XXXIV) Refusing to Entertain Motions. The Master may refuse to entertain a motion, even though it has been seconded,⁹⁶ and it is his solemn duty to refuse to entertain any and all motions for an improper use of the Lodge funds⁹⁷ or to make an entry in the minutes when such entry is prohibited by the Constitutions.⁹⁸ However, his action in this regard should not be arbitrary and a brother deeming himself aggrieved may appeal to the Grand Master or Grand Lodge.⁹⁹

[\$988] (XXXV) Regulating Nominating Speeches. A constitutionally enacted by-law prohibiting nominations for elective officers would be binding on the Master, but in the absence of such a by-law, or when they are permitted by resolution of the Lodge, the whole question of the regulation and control of nominating speeches rests largely within the discretion of the Master.¹

[\$989] (XXXVI) Removing or Suspending Officer. The Book of Constitutions expressly authorizes a Master, for cause deemed sufficient by him, to remove any appointed officer of the Lodge² and he

92. Matter of Ancient Lodge, 1910 p. 531, Comp. 336.

Notices generally, see *supra*, §§799-800.

93. Thorne G. M., 1875 p. 30, Comp. 163, 167 (26), approved 1875 p. 231, Comp. 175.

94. Comm. Cond. M., 1861 p. 176, Comp. 72, explaining Simons G. M., 1861 p. 18, Comp. 64, 65 (16).

95. Klinck G. M., 1938 p. 71, 72, approved 1938 p. 146, Comp. 1136.

96. Re Independent Lodge No. 185, 1951 p. 23, approved 1951 p. 26.

97. In the Matter of Hill Grove Lodge No. 540, 1910 p. 448, Comp. 435, 437.

98. Matter of Munn Lodge, 1910 p. 534, Comp. 341, in this instance the name of a brother who objected to the advancement of a candidate.

99. Re Independent Lodge No. 185, 1951 p. 23, approved 1951 p. 26.

1. Matter of Green, 1910 p. 562, Comp. 379, 381; Re Brooklyn Lodge No. 288, 1940 p. 81, approved 1941 p. 214, Comp. 1163.

2. Consts., §309, subs. 5.

may suspend one elected under the by-laws,³ but this does not include an officer elected under the Constitutions⁴ and no officer or brother should be permanently deprived by the Master of any right, power or privilege without notice and without a hearing.⁵

[§990] (XXXVII) Removing Committeeman. A Master has the power to remove any committee member who has been appointed by him,⁶ but he may not discharge an Investigating Committee and appoint another in its stead because he disagrees with its report.⁷

[§991] (XXXVIII) Requiring Brother to Vote on Petition. Where a brother refuses to ballot on a petition, the Master should direct him to do so, calling attention to the fact that such failure constitutes a Masonic offense, and, if the refusal persists, should send a brief written report of the incident to the Grand Master.⁸

[§992] (XXXIX) Resigning. The Master of a Lodge cannot resign his office.⁹

[§993] (XL) Respecting Objection to Initiation or Advancement. It is not within the Master's province, at a Special Communication of his Lodge, to advance a brother against whom an objection has been made by a member of the Lodge at a Stated Communication.¹⁰

[§994] (XLI) Summons—(A) In General. A summons should not be used lightly or when the purpose to be accomplished may be attained as well by a notice,¹¹ but the Master has the power to issue one¹² and, when one is required, as for the annual election of officers,¹³ to levy an assessment,¹⁴ to unaffiliate a member¹⁵ or for the removal of the Lodge meeting-place,¹⁶ it is his duty to do so.¹⁷

[§995] (B) Summons How Issued. A summons is issued by inserting the original in the Lodge minutes and serving a true copy on each brother summoned.¹⁸

3. Thorne G. M., 1875 p. 30, Comp. 163, 175 (75), approved 1875 p. 231, Comp. 175, in this case the Tiler temporarily unfitted by intoxication.

4. Anthony G. M., 1881 p. 37, Comp. 214, in this case the Secretary and where, while vacating the Master's order suspending the Secretary, the Grand Master himself immediately suspended him.

5. Gibson G. M., 1869 p. 46, Comp. 138.

6. Re The Prerogatives, etc., 1947 p. 33, approved 1947 p. 154.

7. Re Fredrik Lodge No. 857, 1951 p. 23, approved 1951 p. 26.

8. Re Refusal of Lodge Member to Ballot, 1949 p. 22, approved 1949 p. 35.

9. Consts., §§316, 317, subs. 2; Matter of Suburban Lodge No. 1087, 1942

p. 56, approved 1942 p. 119, Comp. 1209, 1210.

10. Matter of Fischer, 1910 p. 529, Comp. 334, 335.

Objections to initiation or advancement, see *supra*, 560-574.

11. Comm. J., 1883 p. 91, Comp. 219.

12. Consts., §309, subs. 2.

13. See *supra*, §900.

14. See *supra*, §714.

15. See *supra*, §689.

16. See *supra*, §783.

17. Consts., §309, subs. 2; Matter of Auburn Lodge No. 431, 1914 p. 190, Comp. 683, 687, the Master, not the Secretary acts.

18. Consts., §309, subs. 2; Richmond Hill Lodge No. 892, 1944 p. 40, 42, approved 1944 p. 81-82.

[§996] (C) Requisites—(1) Of Original Summons—(a) In General. The original summons must be issued over the Master's name, by his order, and attested by the written signature of the Secretary under the seal of the Lodge and inserted in the Lodge minutes.¹⁹

[§997] (b) "By His Order." While the Constitutions require that a summons be issued by order of the Master, they do not require that the summons recite such fact.²⁰

[§998] (c) Date and Place of Action. A summons should state the time when²¹ and the place where²² the summoned communication is to be held.

[§999] (d) Description of Brother Summoned. A summons should contain the name of the brother, individually or by group, to whom it is addressed.²³

[§1000] (e) Word "Summoned" Essential. The word "summoned" is essential and a mere "notified" is ineffective as a summons although the paper in all other respects conforms to constitutional requirements.²⁴

[§1001] (2) Of Copy Served. While the Constitutions require that a true copy must be served on each brother summoned,²⁵ a copy which sufficiently advises a brother that a summons has been issued and of its requirement is all that is needed for usual purposes.²⁶ A printed fac-simile of the Lodge seal is sufficient²⁷ so long as it appears somewhere on the notice, even on the front or title page, provided the original bore the seal.²⁸

[§1002] (D) How Summons Served—(1) Personally or by Mail. The copy summons may be served personally, or by mail to a brother's address last known to the Secretary.²⁹

[§1003] (2) Unsealed Envelopes or Post Cards Forbidden. The use of unsealed envelopes or post cards in the service of a summons by mail is illegal.³⁰

19. Consts., §309, subs. 2; Richmond Hill Lodge No. 892, 1944 p. 40, 42, approved 1944 p. 81-82.

20. Batavia Lodge v. Richmond, 1921 p. 138, Comp. 848, 850, approved 1921 p. 138, Comp. 848; Matter of Anchor Lodge No. 729, 1942 p. 44, approved 1942 p. 119, Comp. 1193.

21. Richmond Hill Lodge No. 892, 1944 p. 40, 42, approved 1944 p. 81-82.

22. Batavia Lodge v. Richmond, 1920 p. 147, Comp. 818, 825; Richmond Hill Lodge No. 892, 1944 p. 40, 42, approved 1944 p. 81-82.

23. Batavia Lodge v. Richmond, 1920 p. 147, Comp. 818, 825; Richmond

Hill Lodge No. 892, 1944 p. 40, 42, approved 1944 p. 81-82.

24. Matter of Hancock Lodge, 1950 p. 37, approved 1950 p. 83.

25. Consts., §309, subs. 2.

26. Comm. Const., 1925 p. 251, Comp. 883, 884, approving Matter of Spartan Lodge No. 956.

27. Comm. Const., 1921 p. 207, Comp. 862.

28. Matter of Anchor Lodge No. 729, 1942 p. 44, approved 1942 p. 119, Comp. 1193.

29. Consts., §309, subs. 2.

30. Mollenhauer G. M., 1933 p. 104, 105, approved 1933 p. 179, Comp. 1093.

[§1004] (E) Time of Service of Summons. Except when issued to unaffiliate for non-payment of dues,³¹ the length of time that a summons shall be served on the members of a Lodge before the meeting at which it requires them to attend should be determined by the Master, due regard being had to all the circumstances. There is nothing in Masonic law which requires that it shall be served sufficiently long to enable members to respond who have removed from the territorial jurisdiction of the Lodge and to distant places.³²

[§1005] (XLII) Supervising Lodge Secretary. It is within the power of the Master and is his duty to see that the duties of the Secretary are faithfully and punctually performed and that all reports and returns are promptly made.³³ Hence he should see that the result of a ballot is entered in the Lodge minutes.³⁴ His right over the record of a Lodge does not extend, however, to the erasing or omitting anything actually done and proper to be recorded, but only to the correctness of the record of things done and the omission of matters improper or unnecessary to be recorded.³⁵

[§1006] (XLIII) Testifying at Masonic Trial. In ordinary circumstances, the position of the Master as a witness at a Masonic trial is like that of any other brother,³⁶ but he cannot testify against a brother as to facts communicated to him by the brother in the course of Masonic discipline, or when asking his advice as Master of the Lodge.³⁷

[§1007] (XLIV) Unaffiliation of and by Master. During his term as such, the Master of a Lodge cannot be unaffiliated for non-payment of dues by the Lodge of which he is Master³⁸ and he is, of course, vested with no power to unaffiliate another,³⁹ but when he is a mem-

31. See *supra*, §689.

32. Comm. J., 1917 p. 236, Comp. 806, 808 (9), *approving* Matter of Clinton Lodge, 1916 p. 187, Comp. 784.

33. Consts., §309, subs. 3.

34. Suspension of Charter, 1911 p. 241, Comp. 526, 531.

35. Lewis G. M., 1859 p. 28, Comp. 56, 59 (30).

36. Matter of Freifeld, 1910 p. 532, Comp. 538.

Witnesses generally, see *infra*, §§1366-1385.

37. Paige G. M., 1870 p. 30, Comp. 144, 146, who said: "This is the uniform rule of the church, of the legal, and also of the medical professions, and in each of the above cases is sanctioned by law. The law is founded on the principle that every facility

should be given to an erring man to confess his offenses to and take the advice of some one in authority over him, and in whom he places full confidence. There is no one between whom that relation is stronger and more capable of good than between the Master and Brethren. At all events, when the Master has thus received the confessions of a Brother, he should not be allowed to testify to the facts thus obtained before any Masonic tribunal."

38. Paige G. M., 1865 p. 24, Comp. 106 (3), *approved* 1865 p. 195, Comp. 108; in the Matter of the Status, etc., 1933 p. 111, *approved* 1933 p. 179, Comp. 1101, 1102.

39. In the Matter of Archimede Lodge No. 535, 1933 p. 114, *approved* 1933 p. 180, Comp. 1106, 1109.

ber of a second Lodge, under the provisions permitting dual membership, he may be unaffiliated by such Lodge and thereby lose membership in both.⁴⁰

[§1008] (XLV) Voting. The Master has a right to one vote on any question brought before his Lodge and 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.⁴¹ So, where his vote has not been counted, and one vote is required to make a necessary two-thirds, he may vote when that fact is ascertained.⁴²

[§1009] b. Wardens—(I) In General. A Warden, at the request of the Master, can preside and open a Lodge in the Master's presence⁴³ and in case of the Master's absence or disability, or a vacancy in his office, the Senior and Junior Warden shall, in succession, succeed to his prerogatives and duties for all purposes,⁴⁴ except such as pertain to the installation of officers.⁴⁵ So that it is clear that the law of Masonry at all times was and is that in the event of a vacancy in the office of the Master, the duly elected and installed Senior Warden becomes temporary or acting Master until the election of a Master, and that while he acts as Master he continues to be Senior Warden.⁴⁶ During a vacancy in office or in the absence from the Lodge of both Master and Senior Warden, the Junior Warden *ex officio* becomes Acting Master of the Lodge, until either the return of the Senior Warden or Master, or the election of a new Master or Senior Warden. While he serves as such Acting Master he continues to be and finishes his term as Junior Warden, but has the right and is empowered to open and close the Lodge, confer the degrees and do each and every other thing that the Master could do if present, except to install officers.⁴⁷

[§1010] (II) When a Visiting Brother. When a visiting brother has been appointed to act as Warden at a single communication, the appointment carries with it all of the duties of an installed Warden, including an inspection of the ballot.⁴⁸

40. Consts., §317, subs. 5; In the Matter of the Status, etc., 1933 p. 111, approved 1933 p. 179, Comp. 1101, 1104.

41. Thorne G. M., 1875 p. 30, Comp. 163, 175 (66), approved 1875 p. 231, Comp. 175.

42. Matter of Olean Lodge, 1910 p. 515, Comp. 313.

43. Paige G. M., 1865 p. 24, Comp. 106, 108 (17), approved 1865 p. 195, Comp. 108.

44. Consts., §310; Comm. Cond. M., 1856 p. 154, Comp. 28; Paige G. M., 1865 p. 24, Comp. 106, 108 (17),

approved 1865 p. 195, Comp. 108; Matter of Red Jacket Lodge No. 646, 1910 p. 425, Comp. 404, 420.

45. Consts., §310; Matter of Red Jacket Lodge No. 646, 1910 p. 425, Comp. 404, 420.

46. Matter of Red Jacket Lodge No. 646, 1910 p. 425, Comp. 404, 412.

47. Matter of Red Jacket Lodge No. 646, 1910 p. 425, Comp. 404, 420.

48. Matter of Nunda Station Lodge No. 682, 1939 p. 62, approved 1939 p. 118, Comp. 1156.

[§1011] (III) **Dimitting.** Neither Warden can dimit from the Lodge in which he is a Warden.⁴⁹

[§1012] (IV) **Election to Another Office.** Except that the holder of the office of Junior Warden may be elected to fill a vacancy in the office of Senior Warden, neither can be elected to fill another office in his Lodge.⁵⁰

[§1013] (V) **Inspecting Ballot-Box Before Ballot.** It is the duty of the Wardens to see that the ballot-box is properly furnished with ballots of both kinds and in sufficient number to permit each balloting member freely to express his will.⁵¹

[§1014] (VI) **No Appeal from Decision When Presiding.** From the decision of a Warden presiding in the absence of the Master, there shall be no appeal except to the Grand Master or to Grand Lodge.⁵²

[§1015] (VII) **Resigning.** Neither Warden is permitted to resign his office.⁵³

[§1016] (VIII) **Unaffiliation.** A Warden cannot be unaffiliated for non-payment of dues by the Lodge of which he is a Warden,⁵⁴ but when he is a member of a second Lodge, under the provisions permitting dual membership, he may be unaffiliated by such Lodge thereby losing membership in both.⁵⁵

[§1017] c. **Treasurer—(I) Duties.** It shall be the duty of the Treasurer of a Lodge to receive from the Secretary all money paid into the Lodge and give his receipt therefor; to keep a just and regular account thereof; and to pay money out by order of the Lodge when so certified by the Master and Secretary.⁵⁶

[§1018] (II) **Treasurer's Relation to Trustees.** The Lodge Treasurer is not an active member of the Trustees, but merely a ministerial agent.⁵⁷ His relation to them is defined by the Benevolent Orders Law⁵⁸ and no Lodge may alter these specifications and still claim the privileges and exemptions accorded by the stature.⁵⁹

49. *Conn. Cond. M.*, 1863 p. 173, *Comp.* 94.

Dimitting, see *supra*, §§660-670.

50. *Consts.*, §317, subs. 3, 4.

51. *Mark v. Phillipson*, 1912 p. 278, *Comp.* 571, 577, *approved* 1912 p. 272, *Comp.* 567.

52. *Consts.*, §311.

53. *Consts.*, §§316, 317, subs. 2.

54. *Paige G. M.*, 1865 p. 24, *Comp.* 106 (3), *approved* 1865 p. 195, *Comp.* 108; *In the Matter of the Status, etc.*, 1933 p. 111, *approved* 1933 p. 179, *Comp.* 1101, 1102.

55. *In the Matter of the Status, etc.*, 1933 p. 111, *approved* 1933 p. 179, *Comp.* 1101, 1104.

56. *Consts.*, §312; *Matter of Rising Star Lodge No. 450*, 1942 p. 53, *approved* 1942 p. 119, *Comp.* 1204, 1200; *Froessel G. M.*, 1946 p. 81, *approved* 1946 p. 101, 103.

57. *Matter of Tyrian Lodge No. 618*, 1946 p. 87, 91, *approved* 1946 p. 101, 103.

58. *Ben. Ord. L.*, §3, *Consts.*, p. 122.

59. *Matter of Springfield Gardens Lodge No. 1057*, 1948 p. 53, *approved* 1948 p. 73.

[§1019] d. Secretary—(I) Duties and Privileges—(A) To Attest Master's Signature. When necessary, the Secretary attests the official signature of the Master to all Masonic documents.⁶⁰

[§1020] (B) To Certify and Affix Seal to Returns and Certificates. The Secretary shall certify and affix the seal of the Lodge to all returns and certificates of election made to Grand Lodge or to the District Deputy Grand Master.⁶¹

[§1021] (C) May Employ Clerical Assistance. While the Secretary may not divest himself, or be divested by the Lodge, of any of the foregoing duties, he may nevertheless avail himself of such clerical assistance as he may require.⁶²

[§1022] (D) Should Familiarize Self with Masonic Law. Lodge Secretaries are urged to read and study the Book of Constitutions, the Compilation and Digest of Masonic Law and this Handbook.⁶³

[§1023] (E) To Keep Register of Members. It is the Secretary's duty 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 Grand Lodge.⁶⁴ He is authorized to change the record respecting the name of a given member upon the latter's request and a reasonable demonstration that the altered name, although not judicially authorized, is that habitually employed by the member and under which he is known and transacts his business.⁶⁵

[§1024] (F) To Make Returns—(1) To District Deputy Grand Master. The Secretary must make a full and correct return annually to the District Deputy Grand Master of the condition of the Lodge on the thirty-first day of December, in the form prescribed by Grand Lodge, to be transmitted on or before the tenth day of April.⁶⁶

[§1025] (2) To Grand Lodge. The Secretary is required to make a full and correct return to Grand Lodge annually of all Entered Apprentices, Fellow Crafts and Master Masons made during the year for which the return is rendered, with the Lodge number, age, occupation, nativity, residence and dates of receiving such degrees; also of all affiliates during the year, with the Lodge number, age, occupation, nativity, residence, date of affiliation and name, number and jurisdiction of the Lodge from which dimitted together with full information as to all changes that occurred in the membership of the

60. Consts., §313, subs. 11.

61. Consts., §313, subs. 10.

62. Owens G. M., 1936 p. 54, 55, approved 1936 p. 127, Comp. 1118.

63. Chipman J. A., 1940 p. 76, Comp. 1157.

64. Consts., §313, subs. 3.

Grand Secretary to furnish blanks, see *supra*, §§280-282.

65. Re Change of Member's Name, etc., 1935 p. 67, approved 1935 p. 123, Comp. 1113.

66. Consts., §313, subs. 8.

Lodge during the year, which return shall be made upon blanks furnished by Grand Lodge, be certified to by the Secretary, approved by the Master and transmitted to the Grand Secretary before the fifteenth day of January in each year.⁶⁷

[\$1026] (G) To Notify Grand Master of Vacancy in Offices of Master and Wardens. It is the duty of the Secretary immediately to notify the Grand Master of the fact that the offices of Master and Wardens have become vacant.⁶⁸

[\$1027] (H) To Notify Grand Secretary and District Deputy of Election of Officers. Immediately after every election, the Secretary shall transmit 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.⁶⁹

[\$1028] (I) To Notify Lodge When Dual Membership Not Completed. When a brother who has been accepted for affiliation on a petition indicating his desire for dual membership fails to sign the by-laws of the accepting Lodge within three months after his election, the Secretary of the accepting Lodge shall at once notify the other Lodge of which the brother is a member.⁷⁰

[\$1029] (J) To Notify Rejected Candidates. The Secretary shall notify all rejected candidates of their rejection.⁷¹ 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 the Secretary announcing to him the fact and its effect.⁷²

[\$1030] (K) To Receive and Pay Over Moneys. It is the duty of a Lodge Secretary to receive all money paid into the Lodge and pay the same to the Lodge Treasurer.⁷³

[\$1031] (L) To Record Proceedings of Lodge. It is the duty of the Secretary of a Lodge to record its proceedings, under the direction of the presiding officer.⁷⁴

[\$1032] (M) To Register Expulsions, Suspensions and Rejections. The Secretary of a Lodge is required to register alphabetically, in a suitable book, all expulsions, suspensions and rejections.⁷⁵

[\$1033] (N) To Report Suspensions and Restorations. The Secretary shall report immediately to the Grand Secretary the suspension

67. Consts., §313, subs. 6.

68. Consts., §318.

69. Consts., §313, subs. 7.

70. Consts., §348.

71. Consts., §313, subs. 12, 360.

72. Comm. Cond. M., 1875 p. 175,

176 (19), *modifying* Thorne G. M., 1875 p. 30, Comp. 166 (19).

73. Consts., §313, subs. 2.

74. Consts., §313, subs. 1.

Lodge minutes, see *supra*, §§788-798.

75. Consts., §313, subs. 4.

of a member by the Lodge stating the cause of such suspension and shall immediately report the lifting of a suspension of a member of the Lodge.⁷⁶

[\$1034] (O) To Report Rejections to Grand Secretary. The Lodge Secretary shall report immediately to the Grand Secretary the name, age, occupation, nativity and residence of every rejected candidate for initiation, with the date of such rejection.⁷⁷

[\$1035] (P) To Return Withdrawn Petition. It is the duty of the Secretary, at any time before a waiver has been secured and a vote actually taken and upon written request to the Lodge, to return his petition to a petitioner in respect to whom a waiver of jurisdiction is required.⁷⁸

[\$1036] (II) Secretary's Relation to Trustees. The Lodge Secretary is not an active member of the Trustees, but merely a ministerial agent.⁷⁹ His relation to them is defined by the Benevolent Orders Law⁸⁰ and no Lodge may alter these specifications and still claim the privileges and exemptions accorded by the statute.⁸¹ The law is violated if a Lodge votes that the Lodge Secretary shall be secretary to the Trustees with power to delegate part of his duties to one of the Trustees.⁸²

[\$1037] e. Organist. If so expressly provided in the Lodge by-laws, an Organist may be an officer of the Lodge to be elected or appointed, or he may be employed or dismissed by a mere vote of the Lodge the same as a janitor.⁸³

[\$1038] f. Tiler. The Tiler, when a member of the Lodge for which he tiles, is entitled to ballot on an application for affiliation and the Master cannot deprive him of this right.⁸⁴

[\$1039] g. Trustees—(I) In General. The Constitutions do not define the duties of Lodge Trustees which should be fixed by the Lodge by-laws,⁸⁵ but when elected under the provisions of the Benevolent Orders Law they are vested with the care, management and control of all the temporalities and property of the Lodge, subject to the restrictions set forth in the statute and subject also that they shall at all times obey and abide by the rules, orders and

76. Consts., §313, subs. 9.

77. Consts., §313, subs. 5.

78. Re Withdrawal of Petition, etc., 1941 p. 119, *approved* 1942 p. 112, 117, Comp. 1174.

79. Matter of Tyrian Lodge No. 618, 1946 p. 87, 91, *approved* 1946 p. 101, 103.

80. Ben. Ord. L., §3, Consts., p. 122.

81. Matter of Springfield Gardens

Lodge No. 1057, 1948 p. 53, *approved* 1948 p. 73.

82. Matter of Homer Lodge No. 352, 1948 p. 56, *approved* 1948 p. 73.

83. Gibson G. M., 1870 p. 47, Comp. 154, 155.

84. Matter of Barret, Commrs. App., 1883 p. 93, Comp. 220.

85. Amicable Lodge No. 665, 1944 p. 40.

resolutions of the Lodge duly passed at any stated or special communication of the Lodge which are not in conflict with the laws of the state or of Grand Lodge.⁸⁶ Their relations to the Lodge Secretary and Lodge Treasurer are defined in that Law and no Lodge may alter them and still claim the privileges and exemptions accorded by it.⁸⁷

[§1040] (II) **Direction to Sign Contract Not Authorization to Make Payments or to Sign Different One.** A resolution directing the Trustees of a Lodge to sign a contract to be approved by a designated building committee is not an authorization for the Trustees to make payments under the contract. Nor is it a direction to the Trustees to sign any other contract than the one mentioned.⁸⁸

[§1041] (III) **Disbursements.** Trustees have no power to disburse moneys under to them save as directed by the Lodge and under its by-laws.⁸⁹

[§1042] (IV) **Evicting Tenant.** In case of emergency and to save a Lodge loss, time not permitting otherwise, Trustees need not bring the matter of evicting a tenant before the Lodge, but if these conditions are not present they should.⁹⁰

[§1043] (V) **Leasing Property of Lodge.** Trustees may not give a lease of Lodge property without its authorization.⁹¹

[§1044] (VI) **Selecting Depository.** Trustees should insist that the Lodge designate a depository for its funds, but its failure so to do does not absolve the Trustees from liability for the safety of the funds entrusted to them. In such case they may select a depository and may deposit the funds in their name as Trustees in a savings bank of their selection.⁹²

86. Owens G. M., 1935 p. 64, 65, approved 1935 p. 124, Comp. 1113; Ben. Ord. L., §§3, 5, Consts., pp. 122, 123.

87. Matter of Springfield Gardens Lodge No. 1057, 1948 p. 55, approved 1948 p. 73; Matter of Homer Lodge No. 352, 1948 p. 56, approved 1948 p. 73.

88. In the Matter of Olympia Lodge No. 808, 1910 p. 475, Comp. 473, 485.

89. In the Matter of Olympia Lodge No. 808, 1910 p. 475, Comp. 473, 485.

Funds of Lodge, see *supra*, §§738-755.

90. Matter of Tyrian Lodge No. 618, 1946 p. 87, approved 1946 p. 101, 103.

91. Matter of Tyrian Lodge No. 618, 1946 p. 87, approved 1946 p. 101, 103.

92. In the Matter of Olympia Lodge No. 808, 1910 p. 475, Comp. 473, 485.

XIII. THE INDIVIDUAL MASON [§§1045-1104]

A. ENTERED APPRENTICES AND FELLOW CRAFTS [§§1045-1055]

1. **Right to Advancement** [§§1045-1049]
 - a. **In General** [§§1045-1048]
 - (I) **As Affected by Lapse of Time** [§1045]
 - (II) **As Affected by Physical Defects** [§§1046-1047]
 - (A) *Existing at Time of Initiation* [§1046]
 - (B) *Occurring Since Initiation* [§1047]
 - (III) **As Affected by Unlawful or Irregular Initiation** [§1048]
 - b. **In Another Lodge** [§1049]
2. **No Right to Dimit** [§1050]
3. **Right to Masonic Funeral** [§1051]
4. **Right to Refund when Remaining Degrees Not Conferred** [§1052]
5. **Not Entitled to Trial When Advancement Refused** [§1053]
6. **Right to Visit Own or Another Lodge** [§1054]
7. **Subject to Masonic Discipline** [§1055]

B. MASTER MASONS [§1056-1102]

1. **Before Signing By-Laws** [§1056]
2. **When Affiliated with Particular Lodge** [§§1057-1098]
 - a. **Members Generally** [§§1057-1096]
 - (I) **Relation to Lodge** [§§1057-1062]
 - (A) *Rule Stated* [§1057]
 - (B) *As Affected by Application for Dimit* [§1058]
 - (C) *As Affected by Commission of Felony* [§§1059-1060]
 - (1) *After Plea of Guilty and Before Sentence* [§1059]
 - (2) *After Entry of Judgment* [§1060]
 - (D) *As Affected by Irregular Affiliation* [§1061]
 - (E) *As Affected by Unlawful or Irregular Conferring of Degrees* [§1062]
 - (II) **Duties, Rights and Privileges** [§§1063-1096]
 - (A) *Members of Chartered Lodge* [§§1063-1093]

- (1) *Burial* [§§1063-1064]
 - (a) *Rule Stated* [§1063]
 - (b) *In Case of Reinterment* [§1064]
- (2) *Changing Name* [§1065]
- (3) *Concerted Action with Respect to Grand Officers or Grand Lodge* [§1066]
- (4) *Criticizing or Appealing from Master* [§1067]
- (5) *Determining Physical Fitness of Candidate* [§1068]
- (6) *Discipline* [§1069]
- (7) *Dual Membership* [§1070]
- (8) *Eligibility to Office* [§1071]
- (9) *Examining Visitor to Eastern Star Chapter* [§1072]
- (10) *Lending or Giving Emblem to Female Relative* [§1073]
- (11) *Loyalty* [§1074]
- (12) *Nominating Lodge Officer* [§1075]
- (13) *Notifying Profane of Rejection* [§1076]
- (14) *Obedying Summons to Attend Funeral* [§1077]
- (15) *Objecting to Contracting of Debt* [§1078]
- (16) *Objection and Demand for Ballot* [§§1079-1080]
 - (a) *Rule Stated* [§1079]
 - (b) *Not Bound to Prefer Charges* [§1080]
- (17) *Political Activity* [§1081]
- (18) *Prefering Complaint* [§1082]
- (19) *Presumed to Know By-Laws* [§1083]
- (20) *Procuring a Brother's Advancement in Another Lodge* [§1084]
- (21) *Relief* [§1085]

- (22) *Seeking or Declining Office* [§1086]
- (23) *Soliciting Candidate* [§1087]
- (24) *Summons Before Unaffiliation* [§1088]
- (25) *Using Emblem as Trade-Mark* [§1089]
- (26) *Visiting* [§1090]
- (27) *Voting* [§1091]
- (28) *Withdrawal by Dimit* [§1092]
- (29) *Witness Implicating Brother or Brother's Wife* [§1093]

(B) *Members of Two Lodges* [§1094]

(C) *Members of Lodge Under Dispensation* [§1095]

(D) *Members of Extinct, Suspended or Expelled Lodge* [§1096]

b. *Honorary Members* [§1097]

c. *Life Members* [§1098]

3. *When Non-Affiliated* [§1099]

4. *When Suspended* [§§1100-1101]

a. *Generally* [§1100]

b. *When Suspended by Foreign Lodge* [§1101]

5. *When Unaffiliated* [§1102]

C. **EXPELLED MASON** [§1103]

D. **CLANDESTINE MASON** [§1104]

XIII. THE INDIVIDUAL MASON.

[§1045] A. Entered Apprentices and Fellow Crafts—1. Right to Advancement¹—a. In General—(I) As Affected by Lapse of Time. Mere lapse of time does not operate to disqualify an Entered Apprentice from advancement to the other degrees in the same Lodge, if no objection be made.²

[§1046] (II) As Affected by Physical Defects³—(A) Existing at Time of Initiation. The rule as to physical requirements applies to passing and raising when the defect has not arisen since initiation.⁴

[§1047] (B) Occurring Since Initiation. Physical qualifications apply only to candidates for initiation and if a candidate possesses these when initiated, he cannot be prevented from advancement by subsequent impairment.⁵

[§1048] (III) As Affected by Unlawful or Irregular Initiation. The unlawful making of one a Mason confers no right on him to any further light in Masonry,⁶ but while 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.⁷ So one wrongfully initiated,⁸ or initiated and passed,⁹ within a forbidden period after rejection is none the less entitled to advancement when that period has passed.

[§1049] b. In Another Lodge.¹⁰ A brother whose advancement has been arrested for a period of six months as the result of an adverse ballot may, thereafter, petition any other Lodge within the jurisdiction of Grand Lodge for the remaining degrees and for membership therein;¹¹ but the fact that the application of an Entered Ap-

1. Advancing candidates, see *supra*, §§587-594.

2. King G. M., 1862 p. 28, Comp. 74, 75 (11), two and a half years; In the Matter of Golet Lodge No. 918, 1931 p. 144, 145, Comp. 1031, *approved* 1931, p. 217, Comp. 1049, fifteen years.

3. Physical requirements, see *supra*, §§498-499.

4. Comm. Cond. M., 1855 p. 119, Comp. 26; Anthon G. M., 1871 p. 32, Comp. 157 (1); Matter of Living Stone Lodge No. 255, 1911 p. 264, Comp. 560, 561.

5. Comm. Cond. M., 1854 p. 193, Comp. 25; Paige G. M., 1864 p. 25, Comp. 98, 101 (18), *approved* 1864 p. 164, Comp. 105; Comm. J., 1865 p. 196, Comp. 108, 109 (3); Matter of Living Stone Lodge No. 255, 1911

p. 264, Comp. 560, 561; Richardson G. M., 1928 p. 211, Comp. 910 (1), *approved* 1928 p. 229, Comp. 916.

6. Gibson G. M., 1870 p. 47, Comp. 154, 155. See also *supra*, §1046.

7. Thorne G. M., 1875 p. 39, Comp. 163, 169 (40), *approved* 1875 p. 231, Comp. 175. See also *supra*, §4.

8. Matter of Deer River Lodge No. 499, 1950 p. 35, *approved* 1950 p. 83.

9. Matter of Carpenter, 1910 p. 515, Comp. 314. See also *supra*, §4.

10. Jurisdiction over candidates for advancement, see *supra*, §§478-483.

11. Procuring advancement in another Lodge, see *supra*, §§593-594.

11. Consts., §359; In the Matter of Highland Lodge No. 835, 1930 p. 160, Comp. 994, *approved* 1931 p. 217, Comp. 1049.

prentice or Fellow Craft for advancement has been arrested as the result of an adverse ballot is not a condition precedent to his right to apply to any other Lodge within the jurisdiction of this Grand Lodge for the remaining degrees and for membership therein¹² and he may so apply when the Lodge in which he was made or passed has ceased to exist,¹³ as where a Lodge under dispensation did not receive a charter.¹⁴

[§1050] 2. No Right to Dimit. Neither an Entered Apprentice or a Fellow Craft has a right to a dimit.¹⁵ A dimit can be issued only to a member of the Lodge.¹⁶

[§1051] 3. Right to Masonic Funeral. The funeral service for an Entered Apprentice or Fellow Craft may be conducted by a Lodge if it so elect and if he, or his family, have indicated a wish that this be done.¹⁷

[§1052] 4. Right to Refund When Remaining Degrees Not Conferred.¹⁸ A candidate who has failed to complete his second and third degrees is not entitled to a return of his initiation fee,¹⁹ whether they are not conferred by reason of his unworthiness, indolence, objection being made to his advancement or any other cause,²⁰ other than the fault of the Lodge.

[§1053] 5. Not Entitled to Trial When Advancement Refused. When one, after initiation, in due time requests advancement in Masonry in the Lodge and is refused, he is not therefore entitled to any trial, as upon charges. Those who rejected his application exercised a Masonic right and he must exercise the virtue of patience and wait. Perhaps the objection may be avoided.²¹

12. In the Matter of Goelet Lodge No. 918, 1931 p. 144, Comp. 1031, *approved* 1931 p. 217, Comp. 1049.

13. Consts., §340, subs. 3.

14. Paige G. M., 1864 p. 25, Comp. 98, 99 (6), *approved* 1864 p. 164, Comp. 105; Matter of Triumph Lodge U. D., 1910 p. 559, Comp. 374.

15. Gibson G. M., 1869 p. 47, Comp. 139; Matter of Altair Lodge, 1910 p. 511, Comp. 308.

16. Matter of Altair Lodge, 1910 p. 511, Comp. 308.

17. Dimit generally, see *supra*, §§660-670.

18. Opinion J, 1945 p. 77, *approved* 1945 p. 79.

19. Return of fees, see *supra*, §§728-734.

20. Comm. J., 1918 p. 268, Comp. 811, 812 (8), *approving* Matter of Chan-

cellor Kent Lodge No. 870, 1917 p. 100, Comp. 797.

21. Gibson G. M., 1869 p. 42, Comp. 133; Thorne G. M., 1875 p. 30, Comp. 163, 168 (34), *approved* on this point 1875 p. 231, Comp. 175, 176.

Where a candidate was physically disqualified before initiation, he is not entitled to further advancement, but recognizing his innocence and that he cannot receive that which was contemplated at the time of his acceptance, he is entitled to the return of his initiation fee and the Lodge record should show the facts, which should also be reported to the Grand Secretary that his Grand Lodge number may be cancelled. Matter of Living Stone Lodge No. 255, 1911 p. 264, Comp. 560, 561.

21. Gibson G. M., 1870 p. 47, Comp. 154, 155.

[§1054] 6. **Right to Visit Own or Another Lodge.** An Entered Apprentice, though refused advancement in the Lodge, has the right to be present when that degree is being worked, if no other objection exists; but neither an Entered Apprentice or Fellow Craft has a right to visit other Lodges although open in the degree to which they have attained, though as a matter of courtesy the Master of such Lodge may allow them to enter.²²

[§1055] 7. **Subject to Masonic Discipline.** An Entered Apprentice or a Fellow Craft is subject to trial and discipline.²³

[§1056] B. **Master Masons—1. Before Signing By-Laws.** A brother who receives his degrees by initiation is deemed a non-affiliated Mason until he has signed the by-laws of the Particular Lodge.²⁴

[§1057] 2. **When Affiliated with Particular Lodge—a. Members Generally—(I) Relation to Lodge—(A) Rule Stated.** Membership in a Particular Lodge carries with it the right to the enjoyment of all its privileges.²⁵ These should be construed by the moral law of Masonry and not by stricter rules adopted by other tribunals.²⁶

[§1058] (B) **As Affected by Application for Dimit.** The date of a written request for a dimit is of no effect until the request shall have been presented to the Lodge at a Stated Communication,²⁷ but when the request has been presented to an appropriate officer of the Lodge in his official capacity, compliance by the Lodge with the request at its next succeeding Stated Communication is conclusively presumed and the requesting brother automatically ceases to be a member of the Lodge.²⁸ Upon the actual or presumed grant of a dimit, the brother becomes a non-affiliated Mason²⁹ and can renew his membership, in that or another Lodge, only by a new application and a unanimous vote.³⁰ A member whose request has been refused, al-

22. Gibson G. M., 1869 p. 47, Comp. 140, 143.

23. Simons G. M., 1861 p. 18, Comp. 64 (1); Gibson G. M., 1869 p. 45, Comp. 136; Crowe v. Behler, 1931 p. 142, Comp. 1026.

Trial and Discipline, see *infra*, §§ 1105-1490.

24. Consts., §340, subs. 2. Signing by-laws to complete membership, see *supra*, §575.

25. In the Matter of Hornell Lodges, 1932 p. 143, approved 1933 p. 178, Comp. 1059, 1061.

26. Comm. J., 1880 p. 62, Comp. 206, 207, referring to a by-law on "privileged membership."

27. Matter of Canandaigua Lodge, 1924 p. 119, Comp. 875.

28. Matter of Pacific Lodge No. 223, 1942 p. 50, approved 1942 p. 118, Comp. 1200, 1203.

29. King G. M., 1862, p. 28, Comp. 74, 80 (41), approved 1862 p. 206, Comp. 87, 89 (41); Matter of Moore, 1910 p. 509, Comp. 306; Matter of Polar Star Lodge, 1911 p. 254, Comp. 546, 547; Matter of Hyatt Lodge No. 205, 1948 p. 49, approved 1948 p. 73.

30. King G. M., 1862 p. 28, Comp. 74, 80 (41), approved 1862 p. 206, Comp. 87, 89 (41); Crane G. M., 1863 p. 18, Comp. 90 (4), approved 1863 p. 173, Comp. 94; Matter of Polar Star Lodge, 1911 p. 254, Comp. 546, 547; Smith G. M., 1913 p. 71, Comp. 582; Matter of Hyatt Lodge No. 205, 1948 p. 49, approved 1948 p. 73.

though he is entitled thereto, is not liable for subsequently accruing dues.³¹

[\$1059] (C) As Affected by Commission of Felony—(1) After Plea of Guilty and Before Sentence. One who has pleaded guilty to a felony and has been remanded for sentence may withdraw from his Lodge at any time before entry of judgment, but this does not enable him to escape Masonic discipline since non-affiliates are subject to discipline.³²

[\$1060] (2) After Entry of Judgment. A brother who has been convicted of a felony by the judgment of a court of law of competent jurisdiction shall, forthwith, stand suspended from all the rights and privileges of Masonry until such judgment shall be reversed or set aside or until a Masonic trial shall have resulted in the acquittal of the brother of charges based upon such judgment.³³

[\$1061] (D) As Affected by Irregular Affiliation. Where a brother had been affiliated by a unanimous vote, without the reference of his petition or its being laid over till the following Communication, had been enrolled and registered as a member, had paid dues regularly, and voted and exercised all the privileges of a member for three years, without objection, although irregular, it was too late to question his *bona fide* membership.³⁴

[\$1062] (E) As Affected by Unlawful or Irregular Conferring of Degrees. It has been decided that a person made a Mason in a legally constituted Lodge, although in violation of the Constitutions or Landmarks of Masonry, is not clandestine, but a regular Mason and cannot be denied the rights and benefits of the Fraternity.³⁵ This is so where a degree has been conferred in spite of objection to initiation or advancement,³⁶ but 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 and the conferring of the third degree, under such circumstances was illegal and it was decided that it was necessary again to confer said degree on the brothers before they could be acknowledged as regularly made Master Masons.³⁷ So when degrees were conferred in less time than

31. Matter of Lucas, 1906 p. 308, Comp. 244.

32. Matter of Marder, 1943 p. 71, approved 1943 p. 79.

Masonic discipline, see *infra*, §1105 *et seq.*

33. Consts., §405.

Duty of Master to prefer charges, see *supra*, §983.

34. Lewis G. M., 1859 p. 28, Comp. 56 (7).

35. Paige G. M., 1864 p. 25, Comp. 98, 100 (16), approved 1864 p. 164, Comp. 105.

Clandestine Mason defined, see *supra*, §4.

36. Matter of Small, 1910 p. 526, Comp. 329.

37. Thorne G. M., 1875 p. 30, Comp. 163, 169 (39), approved 1875 p. 231, Comp. 175.

allowed by the Constitutions, it was decided that an Entered Apprentice receiving the degrees under such circumstances, though regularly passed and raised, should be healed in respect to these degrees.³⁸

[§1063] (II) Duties, Rights and Privileges—(A) Members of Chartered Lodge—(1) Burial—(a) Rule Stated. A brother in good standing is entitled to Masonic burial³⁹ although dying of the disease commonly called delirium tremens,⁴⁰ but a Masonic funeral has been denied because of severity of the weather.⁴¹

[§1064] (b) In Case of Reinterment. When a brother dies and is buried Masonically by and at the expense of a Lodge with which he has affiliated and his remains are subsequently removed to the vicinity of the Lodge by which he was originally made a Mason, a second Masonic burial cannot be demanded of the latter Lodge as a right. In such case, however, the Lodge may, at its discretion, bury the remains with suitable Masonic ceremony.⁴²

[§1065] (2) Changing Name. A member's name may be changed on the roster upon satisfactory proof that the new name is habitually used by him and that he is so known by his neighbors and associates.⁴³

[§1066] (3) Concerted Action with Respect to Grand Officers or Grand Lodge. A convention held for the purpose of making a nomination to office and for expression of opinion relative to a regulation of Grand Lodge and to produce a combination in favor of its modification has been disapproved. The objection is not pointed at any particular locality, but is applicable everywhere and at all times. It is not meant by this that the brethren of the Lodges should be muzzled in respect to any regulation or other measures affecting the interests of the whole Fraternity. But local combinations produce jealousy, discord, heart-burnings, strife; and their tendency is to destroy the deliberative character of Grand Lodge.⁴⁴

[§1067] (4) Criticizing or Appealing from Master. It is entirely improper, except by way of appeal, for a brother of a Lodge to criticize the action of his Master, or to seek to obtain from higher

38. King G. M., 1862 p. 28, Comp. 74, 79 (34).

39. Gibson G. M., 1870 p. 47, Comp. 154.

Good standing defined, see *supra*, §8.

40. Gibson G. M., 1870 p. 30, Comp. 144, 146.

41. Proc. 1789, 1 Kane R. p. 77, Comp. 3.

42. Gibson G. M., 1869 p. 47, Comp. 139.

43. Re Change of Member's Name, etc., 1935 p. 66, approved 1935 p. 123, Comp. 1113, overruling, in effect, Matter of Radiant Lodge No. 739, 1921 p. 107, approved 1922 p. 209, Comp. 866, 867, which held a court order essential. The original opinion in Matter of Radiant Lodge is digested in Comp. 838, where the omission of the word "until" makes it appear that any change was impossible.

44. Comm. J., 1869 p. 49, Comp. 118.

authority a reversal of a Master's action without giving the Master notice of his intention so to do and either furnishing him with a copy of the 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.⁴⁵

[§1068] (5) **Determining Physical Fitness of Candidate.** It is a duty incumbent upon each individual Mason to determine whether a petitioner for initiation possesses the necessary physical qualifications⁴⁶ and in case of doubt to demand a rebalot.⁴⁷

[§1069] (6) **Discipline.** Every member is liable to Masonic discipline for the violation of any moral law, or for an offense deemed criminal by the law of the land,⁴⁸ under the Code of Procedure, wherever he may be, and is also subject to discipline in any foreign Lodge within whose geographical jurisdiction he may commit any Masonic offense.⁴⁹

[§1070] (7) **Dual Membership.** By regular affiliation or by joining as petitioner in the founding of a new Lodge, a Master Mason in good standing may become and may continue a member of two Lodges in this or a sister jurisdiction. Membership in a Lodge formed pursuant to the Constitutions for the purpose of Masonic study and research shall not be included in counting the number of Lodges of which a brother is a member.⁵⁰

[§1071] (8) **Eligibility to Office.** Except for the office of Master, every member of a Lodge is eligible to every office in the Lodge, whether it be one of those enumerated in the Constitutions or one for which the Lodge has made provision in its by-laws.⁵¹

45. Thorne G. M., 1875 p. 30, Comp. 163, 174 (60), *approved* 1875 p. 231, Comp. 175.

46. Comm. J., 1864 p. 145, Comp. 103-104; Anthon G. M., 1871 p. 32, Comp. 157, 158; Thorne G. M., 1875 p. 30, Comp. 163, 173 (59), *approved* 1875 p. 231, Comp. 175; In the Matter of Kilwinning Lodge, 1910 p. 494, Comp. 285, 290; In re Lefevre, 1910 p. 498, Comp. 291; Matter of Wallace, 1910 p. 499, Comp. 292; Re Greene-Ulster District, 1940 p. 77, *approved* 1941 p. 213, Comp. 1159, 1158; Matter of Mt. Vernon Lodge No. 263, 1943 p. 47-48; Matter of Eastern Light Lodge No. 125, 1943 p. 47-48.

47. See *infra*, §§1079-1080.

Physical qualifications, see *supra*, §§498-499.

48. Thorne G. M., 1876 p. 29, Comp. 178, 181 (xvi).

49. Comm. J., 1916 p. 201, Comp. 788, 789, *approving* Matter of Frontier City Lodge No. 422, 1915 p. 199, Comp. 704, which recognized the validity of the conviction of a New York brother by a Lodge in Texas. See also Simons G. M., 1861 p. 18, Comp. 64 (9), which decided that a brother residing in New York, though a member of a Lodge in another state, was subject to the penal jurisdiction of the Lodge nearest to his place of residence.

Trials and Discipline, see *infra*, §1105 *et seq.*

50. Consts., §349.

51. Consts., §304; Comm. Cond. M., 1863 p. 209, Comp. 95, 96; Gibson G. M., 1870 p. 47, Comp. 154; In the Matter of Eligibility, etc., 1931 p. 147, Comp. 1034, *approved* 1931 p. 217, Comp. 1049, holding illegal a by-law to restrict Past Masters from eligibili-

[§1072] (9) **Examining Visitor to Eastern Star Chapter.** It is not proper for a Master to administer to a proposed visitor the Tiler's Oath and satisfy himself that the visitor is a Master Mason in order that he may secure admission to a Chapter of the Eastern Star.⁵²

[§1073] (10) **Loaning or Giving Emblem to Female Relative.** While a Master Mason is not expressly forbidden to loan his fraternal badge or to give a Masonic badge to his wife, sister or daughter, to be worn by them, the practice is discountenanced.⁵³

[§1074] (11) **Loyalty.** The duty of all Masons is to be loyal to the government of the country under which they live and not to be concerned in plots and conspiracies against the same.⁵⁴

[§1075] (12) **Nominating Lodge Officer.** Subject to the control of the presiding officer⁵⁵ and to prohibition by the Lodge through constitutionally enacted by-laws,⁵⁶ a member of a Lodge has the right, at the annual election, to make nominations for elective officers. The nomination may present in open Lodge the name of a worthy member who otherwise might not be mentioned for an office for which by service and otherwise he may be especially qualified. Nominating speeches, however, should be reasonably limited in this and be confined to recommendation of the proposed candidate and not be used as a channel of invective or language calculated to offend and destroy the harmony which should prevail in all Lodges.⁵⁷

[§1076] (13) **Notifying Profane of Rejection.** No one but the Master or Lodge Secretary should notify a profane who was accepted on a first ballot and rejected on a demand for a rebalot of the fact of such rejection.⁵⁸

[§1077] (14) **Obeying Summons to Attend Funeral.** The Master may call an emergent Communication of the Lodge and summon the brethren to the burial of a brother's remains and the members must obey the summons.⁵⁹

ty to office of Trustee; Matter of John Hancock Lodge No. 70, 1947 p. 31, approved 1947 p. 154, holding void a by-law making ineligible one not nominated in writing at a specified communication; Re Brooklyn Lodge No. 288, 1940 p. 81, approved 1941 p. 214, Comp. 1163, 1165.

Eligibility for Master, see *supra*, §§889-896.

Eligibility in two Lodges, see *infra*, §1094.

52. Matter of Watkins, 1910 p. 508, Comp. 305.

53. Matter of Stanton, 1910 p. 555, Comp. 368.

54. King G. M., 1862 p. 28, Comp. 74, 76 (20).

55. See *supra*, §988.

56. See *supra*, §856.

57. Matter of Green, 1910, p. 562, Comp. 379, 381.

58. Comm. Cond. M., 1875 p. 231, Comp. 175, 176 (19), *modifying* Thorne G. M., 1875 p. 30, Comp. 163, 166 (19).

59. Lewis G. M., 1859 p. 28, Comp. 56, 57 (16); Gibson G. M., 1870 p. 47, Comp. 154, 155.

Disobeying summons an offense, see *infra*, §1132.

[§1078] (15) Objecting to Contracting of Debt. A member of a Lodge cannot sit by and permit his Lodge to enter into contracts and then refuse, if pecuniarily able, to meet his share of the Lodge's obligation if the Lodge be without funds, upon the ground that the debt was incurred for a purpose not strictly Masonic. His duty is to protest and, if necessary, to appeal for the intervention of the Grand Master or Grand Lodge before the debt or liability is incurred in a manner binding upon the Lodge.⁶⁰

[§1079] (16) Objection and Demand for Ballot—(a) Rule Stated. Any member has a right to object to the initiation⁶¹ or advancement⁶² of a candidate and may demand a ballot after a candidate has been accepted and before he has been initiated⁶³ or, after he has been initiated, upon his advancement,⁶⁴ without showing cause therefor.⁶⁵ He may also demand a new ballot on a brother who has been accepted for affiliation but has not yet signed the by-laws⁶⁶ or after an election to honorary membership, if he act immediately following the Master's declaration of the result of the ballot and before any assent or acceptance by the proposed Honorary Member.⁶⁷ In demanding a ballot or objecting to an initiation or advancement, a member should act conscientiously⁶⁸ and circumstances may make it his positive duty to act,⁶⁹ as where he has knowledge that a petitioner was guilty of misrepresentation, concealment or deceit in his petition for initiation⁷⁰ or doubts the physical qualifications of the candidate.⁷¹

[§1080] (b) Not Bound to Prefer Charges. When a candidate has been initiated and a brother calls for a ballot resulting in a rejection, there is no obligation resting upon the brother calling for the ballot to prefer charges, nor can any member be held obliged to prefer charges because such a ballot has been cast.⁷²

60. In the Matter of Construction, etc., 1910 p. 451, Comp. 438, 452.

Masonic purposes, see *supra*, §§603-615, 639-649.

61. Consts., §358; King G. M., 1862 p. 28, Comp. 74, 75 (9), explained 1862 p. 206, Comp. 87, 88 (9).

62. Consts., §358.

63. Consts., §358; 1868 p. 44, Comp. 121, 123 (iv); Matter of Suspension of Charter, 1911 p. 241, Comp. 526, 529.

64. Consts., §358; King G. M., 1862 p. 28, Comp. 74, 75 (6, 9).

65. King G. M., 1862 p. 28, Comp. 74, 75 (6); Gibson G. M., 1869 p. 43, Comp. 133, 134.

66. Consts., §348.

67. Matter of Renaissance Lodge No. 1121, 1941 p. 121, approved 1942 p. 112, 117, Comp. 1176, 1178.

68. Gibson G. M., 1869 p. 43, Comp. 133.

69. Comm. Cond. M., 1875 p. 231, Comp. 175, 176, amending Thorne G. M., 1875 p. 30, Comp. 163, 165 (16). to read as follows: "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."

70. Matter of Beacon Light Lodge No. 701, 1914 p. 170, Comp. 656, 657.

71. In the Matter of Kilwinning Lodge, 1910 p. 494, Comp. 285, 290; Matter of Livingston Lodge, 1910 p. 498, Comp. 290, 291; Matter of Wallace, 1910 p. 499, Comp. 292.

72. Comm. J., & Cond. M., 1868 p. 44, Comp. 121 (iv).

[\$1081] (17) Political Activity. No member of a Lodge, and no Freemason within this jurisdiction over whom Grand Lodge has Masonic penal jurisdiction, shall, directly or indirectly, use or attempt to use Freemasonry for or against any political activity, enterprise or candidacy; or, either personally or by written letter or circular, or in any other manner, directly or indirectly, to solicit, or attempt to obtain votes for or against any candidate for political office, on the ground, or for the reason that such candidate is or is not a member of the Craft and therefore worthy or otherwise of political support.⁷³

[\$1082] (18) Preferring Complaint. Any Mason in good standing may prefer a complaint for a Masonic offense against any other individual Mason or against a Particular Lodge.⁷⁴

[\$1083] (19) Presumed to Know By-Laws. A member is presumed to know the by-laws of his Lodge and that failure to pay dues renders him liable to unaffiliation.⁷⁵

[\$1084] (20) Procuring a Brother's Advancement in Another Lodge. A member is not permitted to procure the advancement of a brother in another Lodge than the one having jurisdiction over him.⁷⁶ This is a matter for Lodge action.⁷⁷

[\$1085] (21) Relief. A worthy Master Mason in good standing who is in distress and has no property and no relatives legally liable and financially able to support him is entitled to relief as a right.⁷⁸

[\$1086] (22) Seeking or Declining Office. A Mason should never seek or decline office. He should not heed the seductive allurements of ambition on the one hand or throw off the claims and burdens of duty on the other.⁷⁹ Strictly speaking it is his duty to accept an office to which his brethren have seen fit to elect him.⁸⁰

[\$1087] (23) Soliciting Candidate. The solicitation of a candidate is reprehensible and contrary to the recognized sense of the Craft. While it may not be strictly prohibited by the Book of Constitutions, it is in conflict with the qualification that the candidate must come of his own free will and accord.⁸¹

73. Consts., §509.
Political activity an offense, see *infra*, 1165.

74. Code P., §24.
Manner of preferring complaint, see *infra*, §§1222-1228.

75. Matter of Mills, 1911 p. 251, Comp. 541, 542.

76. Consts., §364.

77. See *supra*, §§593-594.

78. Gibson G. M., 1869 p. 46, Comp. 138, 139.

Duty of Lodge, see *supra*, §§813-815.
Right of Grand Lodge to compel, see *supra*, §100.

Right of Grand Master to compel, see *supra*, §170.

79. Comm. J., 1867 p. 49, Comp. 118.

80. Thorne G. M., 1876 p. 29, Comp. 178, 183 (xxvii).

81. Matter of Carpenter, 1910 p. 515, Comp. 314, 316.

[§1088] (24) **Summons Before Unaffiliation.** The right of a brother to be duly summoned to pay arrears of dues before he can be unaffiliated for their non-payment is considered elsewhere.⁸²

[§1089] (25) **Using Emblem as Trade-Mark.** Masons are interdicted from using any Masonic emblem as a trade-mark.⁸³

[§1090] (26) **Visiting.** While it is common to speak of the right of a member to attend his own Lodge and of his right to visit another,⁸⁴ neither is an inherent, positive and unqualified right and there are various circumstances under which it would become the right and the duty of the Master to refuse admission even to a member of his own Lodge, the remedy of the brother thus rejected being only by appeal to the Grand Master in case the action of the Master was arbitrary and unjustified.⁸⁵

[§1091] (27) **Voting.** Otherwise than when disfranchised at an election of Lodge officers,⁸⁶ every member of a Lodge in good standing is entitled to one vote at an election of officers⁸⁷ or on a ballot on the acceptance or advancement of a candidate⁸⁸ and cannot be deprived thereof⁸⁹ and every member of a Lodge present at any balloting therein for initiation, advancement or affiliation must vote.⁹⁰ On such a ballot it is his right to vote as he thinks proper⁹¹ and his motives cannot be questioned,⁹² but in casting his ballot he should vote conscientiously.⁹³ Members who retire before a ballot is spread cannot complain of the Master's action in spreading the ballot in their absence⁹⁴ and a member cannot vote by proxy in any case.⁹⁵

82. Unaffiliation, see *supra*, §§684-692.

83. Gibson G. M., 1870 p. 47, Comp. 154, 156.

Advertising an offense, see *infra*, §1149.

84. See, for example, Gibson G. M., 1870 p. 47, Comp. 154, who said: "A member of a Lodge in good standing cannot be deprived of the right . . . to visit the Lodge"; 1920 p. 160, Comp. 834-835, where it is said: "Until fraternal relations have been severed between the Grand Lodge of New York and any of the several Grand Lodges of the United States, they are each entitled to full recognition, and the right of any brother to fraternally communicate with or visit their Lodges is fully recognized."

85. Matter of Tompkins, 1899 p. 216, Comp. 233, 238.

Powers and duties of Master with respect to visitors, see *supra*, §§946-948.

Duty of Lodge with respect to visitors, see *supra*, §§862-865.

86. See *supra*, §683.

87. Consts., §303.

Good standing defined, see *supra*, §8.

88. King G. M., 1862 p. 28, Comp. 74, 75 (10).

89. King G. M., 1862 p. 28, Comp. 74, 75 (10); Gibson G. M., 1870 p. 47, Comp. 154; Matter of John Hancock Lodge No. 70, 1946 p. 76, *approved* 1946 p. 101, 103; Matter of Sanctorum Lodge No. 747, 1949 p. 24, *approved* 1949 p. 35. See also *supra*, §961.

90. Consts., §355.

91. King G. M., 1862 p. 28, Comp. 74, 75 (10); Matter of Granville Lodge, 1911 p. 262, Comp. 558.

92. Gibson G. M., 1869 p. 43, Comp. 133.

93. Gibson G. M., 1869 p. 43, Comp. 133.

94. Matter of Oriental Lodge, Commrs. App. 1874 p. 251, Comp. 162; Matter of W. Bro. Peter Bianchetti, 1913 p. 294, Comp. 642, 643.

95. Thorne G. M., 1875 p. 30, Comp. 163, 165 (15), *approved* 1875 p. 231, Comp. 175; Matter of Clinton Lodge

[\$1092] (28) Withdrawal by Dimit. Any member of a Lodge against whom charges are not pending and whose dues and indebtedness to the Lodge are paid may terminate his membership therein by withdrawing.⁹⁹

[\$1093] (29) Witness Implicating Brother or Brother's Wife. A Mason, being duly summoned to appear as a witness before the courts of law of a state, is bound by his oath as a witness to appear and testify to the truth, even though such testimony will disgrace or implicate a brother Mason, or a brother Mason's wife. Nothing in his Masonic obligations or duties gives, or professes to give, any absolution from so doing. On the contrary, we are taught distinctly that there is nothing in our obligations that in any-wise conflicts with our duties to God, to our fellowmen, or to the state.⁹⁷

[\$1094] (B) Members of Two Lodges. A brother who avails himself of the privilege of dual membership shall be liable to pay dues in each Lodge of which he is a member, shall be entitled to vote in each Lodge of which he is a member and to bear office therein, excepting that he shall not be Master of more than one Lodge at the same time, and involuntary loss of membership in any Lodge shall work loss of membership in all Lodges.⁹⁸

[\$1095] (C) Members of Lodge Under Dispensation. A member of a Lodge under dispensation cannot petition for a dispensation to form another Lodge.⁹⁹ All members of a Lodge under dispensation at the time of the expiration of the dispensation shall be deemed members of such Lodge when it shall be duly chartered and instituted¹ and, since the establishment of dual membership, retains his membership in the Lodge to which he belonged prior thereto and is entitled to all the rights and subject to all the liabilities of both Lodges.² If not chartered, candidates initiated, passed or raised shall become non-affiliated upon the expiration of the dispensation.³

[\$1096] (D) Members of Extinct, Suspended or Expelled Lodge. The members of a Particular Lodge, the surrender or forfeiture of whose charter has been approved by Grand Lodge, thereupon become non-affiliated Masons.⁴ A Lodge having surrendered its charter, members who have been unaffiliated for non-payment of dues must pay the amount of their arrearages to the Grand Secretary and,

No. 155, 1917 p. 155, Comp. 784, 785, approved 1917 p. 236, Comp. 806, 809.

96. Consts., §369.

97. Gibson G. M., 1870 p. 30, Comp. 144, reversing the Lodge's suspension of a member who so testified.

98. Consts., §349; In the Matter of the Status, etc., 1933 p. 111, approved 1933 p. 179, Comp. 1101, 1104.

Dual membership, see *supra*, §1070.

99. Consts., §327.

1. Consts., §331; Comm. J. & Cond. M., 1868 p. 44, Comp. 121.

2. Dutton G. M., 1929, p. 101, approved 1929 p. 206, Comp. 924 (11).

3. Consts., §330; Matter of Triumph Lodge U. D., 1910 p. 559, Comp. 374, 375.

4. Consts., §338.

upon his certificate of the facts, may be received by any Lodge by affiliation.⁵ One who is a member of a suspended or expelled Lodge cannot affiliate with another Lodge, unless he was expressly exempted from such suspension or expulsion; and, if the Lodge were expelled, he cannot do so without leave of the Grand Master or the Grand Lodge.⁶

[§1097] b. Honorary Members. Honorary membership carries with it no rights or privileges in the Lodge wherein it is conferred and imposes no duties.⁷ An Honorary Member of a Lodge shall not vote therein,⁸ is not eligible to any office except that of Tiler⁹ and with respect to the right to visit said Lodge, if a member of it objects, is only on the same footing as other visitors in good standing.¹⁰ As honorary membership in a Lodge depends entirely on active membership in some other Lodge, an Honorary Member who gives up active membership is subject to the disabilities of a non-affiliate, the honorary membership being held in abeyance until he is again affiliated.¹¹

[§1098] c. Life Members. The distinction of Life or Privileged Members extends no further than to exemption from certain financial obligations.¹² Unless specially exempted,¹³ he is liable for assessments regularly levied,¹⁴ but is not compellable to pay annual dues,¹⁵ except Grand Lodge dues.¹⁶ Having attained the status of a Life Member, he may not be directly deprived of it unless such action is authorized by the by-laws under which he acquired it¹⁷ and he cannot legally be unaffiliated for failure to pay annual Lodge dues accruing

5. Paige G. M., 1865 p. 24, Comp. 106 (2), *approved* 1865 p. 195, Comp. 108.

6. Gibson G. M., 1870 p. 47, Comp. 154.

7. Consts., §351; Thorne G. M., 1875 p. 30, Comp. 163, 172 (52), *approved* 1875 p. 231, Comp. 175; Matter of Renaissance Lodge No. 1121, 1941 p. 121, *approved* 1942 p. 112, 117, Comp. 1176, 1177.

8. Consts., §350; King G. M., 1862 p. 28, Comp. 74, 78 (27); Matter of Renaissance Lodge No. 1121, 1941 p. 121, *approved* 1942 p. 112, 117, Comp. 1176, 1177.

9. King G. M., 1862 p. 28, Comp. 74, 78 (27).

10. Comm. Cond. M., 1875 p. 231, Comp. 175, 177; Matter of Renaissance Lodge No. 1121, 1941 p. 121, *approved* 1942 p. 112, 117, Comp. 1176, 1177.

11. Consts., §351; Thorne G. M.,

1875 p. 30, Comp. 163, 172 (52), *approved* 1875 p. 231, Comp. 175.

12. Mollenhauer G. M., 1933 p. 180, *approved* 1933 p. 180, Comp. 1110.

13. Mollenhauer G. M., 1933 p. 180, *approved* 1933 p. 180, Comp. 1110.

14. Comm. Cond. M., 1875 p. 231, Comp. 175, 177, *explaining* Thorne G. M., 1875 p. 30, Comp. 163, 172 (50); Matter of Richmond Lodge No. 66, 1913 p. 247, Comp. 619, 627; Comm. J., 1917 p. 236, Comp. 806, 808 (8), *approving* Matter of Pacific Lodge No. 233, 1916 p. 184, Comp. 779.

15. Comm. Cond. M., 1875 p. 231, Comp. 175, 177, *explaining* Thorne G. M., 1875 p. 30, Comp. 163, 172 (50); Matter of Dryer, 1910 p. 488, Comp. 490, 497.

16. See *supra*, §674.

17. Re Normal Lodge No. 523, 1940 p. 80, *approved* 1941 p. 214, Comp. 1161, 1162.

after his Life Membership has been earned,¹⁸ though he may be for failure to pay the Grand Lodge dues.¹⁹ If, however, he elects to waive his exemption in consideration that other members similarly situated have executed waivers, the payment of annual dues accruing after execution of the waiver may be enforced Masonically.²⁰

[§1099] 3. When Non-Affiliated.²¹ For a certain length of time, a non-affiliated Mason has all the rights of any brother, in so far as they exist apart from membership in a Particular Lodge, but any brother who shall remain a non-affiliated Mason within this jurisdiction one year or more shall not be allowed to visit any Lodge, join in a Masonic procession, or be entitled to receive Masonic relief or burial.²² Any Lodge, however, may bury him with Masonic honors, if a majority of the members so decide,²³ and he is subject to Masonic discipline.²⁴ A non-affiliated Mason may apply for affiliation to the Lodge of which he was last a member or to any other Lodge.²⁵

[§1100] 4. When Suspended—a. Generally. Suspension for the time being is the equivalent of expulsion²⁶ in that the brother, although still a member of the Craft²⁷ and not exonerated from the payment of dues during his suspension,²⁸ forfeits a temporary enjoyment of its rights and privileges;²⁹ but a brother who has been suspended for a definite period,³⁰ or until the payment of expenses of a Masonic

18. Matter of Dryer, 1910 p. 488, Comp. 490, 497.

19. Re Normal Lodge No. 523, 1940 p. 80, approved 1941 p. 214, Comp. 1161; Matter of Tyrian Lodge No. 618, 1945 p. 54, approved 1945 p. 79.

20. Composite Lodge No. 819, 1943 p. 55, approved 1945 p. 130.

21. Non-Affiliated Mason defined, see *supra*, §16.

22. Consts., §370; Matter of Riverhead Lodge No. 645, 1918 p. 183, Comp. 813.

23. King G. M., 1862 p. 28, Comp. 74, 87 (88).

24. Paige G. M., 1865 p. 24, Comp. 106, 107 (9), approved 1865 p. 195, Comp. 108; Matter of Moriah Lodge No. 958, 1948 p. 28, approved 1948 p. 35.

25. Paige G. M., 1864 p. 25, Comp. 98, 100 (17), approved 1864 p. 164, Comp. 105; Matter of Moore, 1910 p. 510, Comp. 306; Matter of Island City Lodge, 1910 p. 560, Comp. 376, 379; Matter of Polar Star Lodge, 1920 p. 254, Comp. 546, 547; Matter of Home Lodge No. 398, 1945 p. 75, approved

1945 p. 79; Matter of Caxton Lodge No. 960, 1947 p. 37, approved 1947 p. 154; Matter of Canaseraga Lodge No. 781, 1947 p. 37, approved 1947 p. 154.

26. Matter of Frontier City Lodge No. 422, 1915 p. 199, Comp. 704, 707.

27. Comm. Cond. M., 1861 p. 176, Comp. 72, 73.

28. Consts., §368; Comm. Cond. M., 1861 p. 176, Comp. 72, 73; Paige G. M., 1865 p. 24, Comp. 106, 108 (22), approved 1865 p. 195, Comp. 108; Gibson G. M., 1870 p. 47, Comp. 154, 155.

29. Comm. Cond. M., 1861 p. 176, Comp. 72, 73.

30. Comm. Cond. M., 1861 p. 176, Comp. 72, 73; Comm. Cond. M., 1867 p. 59, Comp. 119; Gibson G. M., 1870 p. 45, Comp. 152; Gibson G. M., 1870 p. 47, Comp. 154, 156; Matter of Stoeber, 1915 p. 225, Comp. 741, 746; Matter of Chancellor Kent Lodge No. 870, 1917 p. 99, Comp. 795, approved 1918 p. 268, Comp. 811 (1); Matter of Guardian Lodge No. 921, 1917 p. 99, Comp. 795, approved 1918 p. 268, Comp. 811 (1).

trial resulting adversely to him³¹ is automatically restored to membership upon the termination of the sentence or payment of such indebtedness.

[§1101] b. When Suspended by Foreign Lodge. Suspension of a brother from this jurisdiction by a Lodge of a foreign jurisdiction having jurisdiction by reason of his residence or sojourning within its territory operates upon his status as a Mason generally and his relation to all Masonic bodies, including his Lodge here, unless modified or set aside in accordance with the procedure applicable in such foreign Grand Jurisdiction.³²

[§1102] 5. When Unaffiliated. Unaffiliation terminates membership in a Lodge.³³ Although still subject to Masonic discipline,³⁴ an unaffiliated Mason is not subject to dues,³⁵ is not entitled to vote at an election of officers,³⁶ is not allowed to visit any Lodge³⁷ or to join in a Masonic procession³⁸ and is not entitled to receive Masonic relief³⁹ or a Masonic burial,⁴⁰ although a Lodge may grant either, or both, to those otherwise worthy.⁴¹

Upon payment of the amount due at the time of his unaffiliation, he may be restored to membership, a matter which is treated elsewhere,⁴² and, once restored pursuant to the provisions of the Constitutions, is restored to his former condition of membership and all the rights accruing thereto under the by-laws of the Lodge.⁴³ Should

31. Matter of Chancellor Kent Lodge No. 870, 1917 p. 99, Comp. 795, approved 1918 p. 268, Comp. 811 (1); Matter of Guardian Lodge No. 921, 1917 p. 99, Comp. 795, approved 1918 p. 268, Comp. 811 (1).

32. Matter of Frontier City Lodge No. 422, 1915 p. 199, Comp. 704, 708, suspension for two years by Cleburne Lodge No. 315, Cleburne, Texas, of a member of Frontier City Lodge No. 422 of Oswego.

33. In the Matter of Mosaic Lodge No. 418, 1932 p. 144, approved 1933 p. 178, Comp. 1061, 1063; In the Matter of the Status, etc., 1933 p. 111, approved 1933 p. 179, Comp. 1101, 1103.

34. Comm. Cond. M., 1859 p. 258, Comp. 60; Comm. Cond. M., 1875 p. 231, Comp. 175, 176 (11), amending Thorne G. M., 1875 p. 30, Comp. 163, 164 (11); Matter of Courtlandt Lodge, 1911 p. 259, Comp. 553; Matter of Moriah Lodge No. 958, 1949 p. 28, approved 1949 p. 35.

35. Lewis G. M., 1859 p. 28, Comp. 56, 60 (42); Simons G. M., 1861 p. 18, Comp. 64, 66 (20); Matter of Gouch,

1878 p. 25, Comp. 193; Matter of Island City Lodge No. 586, Matter of Bedford Lodge No. 574, 1942 p. 42, approved 1942 p. 118, Comp. 1191.

36. In re Construction, etc., 1933 p. 109, approved 1933 p. 179, Comp. 1098, 1100.

37. Consts., §367.

38. Consts. §367.

39. Consts., §367; Comm. Cond. M., 1859 p. 258, Comp. 60.

40. Consts., §367.

41. Paige G. M., 1864 p. 25, Comp. 98, 101 (19), approved 1864 p. 164, Comp. 105.

42. See *supra*, §§820-830.

43. In the Matter of Oltmans Lodge No. 446, 1930 p. 166, Comp. 1004, approved 1931 p. 217, Comp. 1049, deciding that under a by-law conferring certain rights of burial upon every brother initiated prior to 1908 a brother raised in 1890, unaffiliated in 1902 and restored in 1923 was entitled to the benefits of the by-laws; Re Normal

his Lodge fail to reinstate him he is not entitled to a refund of the amount of the indebtedness paid by him.⁴⁴ He may, however, wish to pay up his arrears without resuming membership in his former Lodge or his application for restoration may be denied, in either of which cases he is entitled to a certificate showing that he has paid his indebtedness to the Lodge⁴⁵ and becomes a non-affiliated Mason in good standing,⁴⁶ but he is not entitled to a dimit until he has been restored.⁴⁷ He may apply to any Lodge for affiliation,⁴⁸ but an unaffiliated Mason who petitions a Lodge for affiliation and is rejected still remains under the ban of the law.⁴⁹

[§1108] C. Expelled Mason. A brother regularly expelled⁵⁰ is Masonically dead.⁵¹ Expulsion carries with it not only loss of membership in a Lodge, but also the loss of all Masonic rights and privileges, including the privilege of applying to any other Lodge for affiliation therewith.⁵² Restoration, which cannot be claimed as a matter of right,⁵³ is fully treated elsewhere.⁵⁴

Lodge No. 523, 1940 p. 80, *approved* 1941 p. 214, Comp. 1161, 1163, holding that a life member unaffiliated for failure to pay the equivalent of the Grand Lodge per capita tax is entitled on restoration to the status of a Life Member.

44. Lewis G. M., 1859 p. 28, Comp. 56, 60 (42); Matter of Washington Lodge, 1910 p. 546, Comp. 357, 358; Matter of James M. Austin Lodge No. 557, 1917 p. 99, Comp. 797, *approved* 1918 p. 268, Comp. 812 (9).

45. Paige G. M., 1864 p. 25, Comp. 98, 100 (17), *approved* 1864 p. 164, Comp. 105; Matter of Pocahontas Lodge, 1908 p. 324, Comp. 246; Matter of Mills, 1911 p. 250, Comp. 540, 541; Matter of True Craftsman's Lodge No. 651, 1916 p. 168, Comp. 756, 758, *approved* 1917 p. 236, Comp. 806, 807; Matter of Caxton Lodge No. 960, 1947 p. 37, *approved* 1947 p. 154; Matter of Canaseraga Lodge No. 781, 1947 p. 37, *approved* 1947 p. 154.

46. Paige G. M., 1864 p. 25, Comp. 98, 100 (17), *approved* 1864 p. 164, Comp. 105; Sawyer G. M., 1909 p. 64, Comp. 246; Matter of True Craftsman's Lodge No. 651, 1916 p. 168, Comp. 756, 758, *approved* 1917 p. 236, Comp. 806, 807.

47. King G. M., 1862 p. 28, Comp. 74, 82 (54).

48. Thorne G. M., 1875 p. 30, Comp. 163, 164 (13), *approved* 1875 p. 231, Comp. 175; Sawyer G. M., 1909 p. 64, Comp. 246; Matter of Washington Lodge, 1910 p. 546, Comp. 357, 358; Matter of Hoffman Lodge, 1910 p. 547, Comp. 358; Matter of Mills, 1911 p. 251, Comp. 541, 542; Matter of True Craftsman's Lodge No. 651, 1916 p. 168, Comp. 756, 758, *approved* 1917 p. 236, Comp. 806, 807.

49. Lawrence G. M., 1885 p. 23, Comp. 221.

50. Attempted expulsion by resolution, without charges and without trial, is void and does not deprive a brother of membership in his Lodge. Lewis G. M., 1859 p. 28.

51. Thorne G. M., 1876 p. 29, Comp. 178, 181 (xviii).

52. Thorne G. M., 1875 p. 30, Comp. 163, 167 (31), *approved* 1875 p. 231, Comp. 175; In the Matter of Radiant Lodge No. 739, 1932 p. 146, *approved* 1933 p. 178, Comp. 1063, 1066.

53. Code P., §500.

54. See *supra*, §§113-125, 818-830.

[§1104] D. Clandestine Mason. Strictly speaking, a clandestine Mason cannot be healed⁵⁶ but may be accepted in a Lodge only as a profane⁵⁷ and with the additional limitation that such acceptance is permissible only with the consent of the Grand Master or Grand Lodge⁵⁸ and on such terms as he or it may impose.⁵⁹

55. Clandestine Mason defined, see *supra*, §4.

56. Re Mass Healing, etc., 1946 p. 83, *approved* 1946 p. 101, 105.

57. Comm. J., 1868 p. 47, Comp. 124, 125; Comm. J., 1897 p. 161, Comp. 232; In re Petitions from Clandestine Masons, 1936 p. 62, *approved* 1936 p. 128, Comp. 1127; Opinion F, 1946 p. 98, *approved* 1946, p. 101, 105, ruling that one made in a Lodge in Pennsylvania which was chartered by the Grand Orient of Italy at a time when we maintained friendly relations there-

with, thus invading the jurisdiction of Pennsylvania, with which we were also friendly was a clandestine Mason and might join a Lodge in New York only in the prescribed way; Re Mass Healing, etc., 1946 p. 83, *approved* 1946 p. 101, 105.

58. Gibson G M., 1869 p. 47, Comp. 140; In re Petitions from Clandestine Masons, 1936 p. 62, *approved* 1936 p. 128, Comp. 1127.

59. Re Mass Healing, etc., 1946 p. 83, *approved* 1946 p. 101, 105.

XIV. TRIALS AND DISCIPLINE [§§1105-1490]**A. IN GENERAL** [§§1105-1122]

1. **Foundation of Masonic Jurisprudence** [§1105]
2. **Purpose of Masonic Discipline** [§§1106-1109]
 - a. **Preservation of Good Repute, etc., of Craft** [§1106]
 - b. **Business Differences** [§§1107-1108]
 - (I) **General Rule** [§1107]
 - (II) **Effect of Prior Resort to Civil Tribunal** [§1108]
 - c. **Religious, Political or Secular Disputes** [§1109]
3. **Necessity of Conviction by Masonic Trial** [§1110]
4. **Regulation of Masonic Disciplinary Proceedings** [§1111]
5. **Limitation of Prosecution** [§§1112-1117]
 - a. **General Rule** [§1112]
 - b. **When Charge is Against Master or Past Master for Official Misconduct** [§§1113-1114]
 - (I) **General Rule** [§1113]
 - (II) **When Moral Turpitude Involved** [§1114]
 - c. **When Charge is Felony of Which Accused Convicted** [§1115]
 - d. **When Charge is Misrepresentation, Concealment or Deceit in Relation to Initiation** [§1116]
 - e. **When Prosecution Deemed Commenced** [§1117]
6. **Abatement of Prosecution** [§1118]
7. **Service of Papers** [§§1119-1120]
 - a. **Upon Attorney Permitted When** [§1119]
 - b. **Determining Date of Service** [§1120]
8. **Computing Time** [§1121]
9. **Number—Singular and Plural** [§1122]

B. MASONIC OFFENSES [§§1123-1213]

1. **By Individual** [§§1123-1176]
 - a. **Masons Generally** [§§1123-1169]

- (I) **Rule Stated Generally** [§1123]
- (II) **Contemptuous, Disrespectful or Provocative Language or Conduct** [§1124]
- (III) **Disobedience of Lawful Masonic Authority** [§§1125-1130]
 - (A) *Rule Stated* [§1125]
 - (B) *Instances* [§§1126-1130]
 - (1) *Failure to Pay Costs of Trial* [§1126]
 - (2) *Holding Procession* [§1127]
 - (3) *Refusing to Act as Trial Commissioner* [§1128]
 - (4) *Refusing to Obey Order of Grand Master* [§1129]
 - (5) *Refusing to Take Appointive Office* [§1130]
- (IV) **Disobedience to Masonic Process** [§§1131-1132]
 - (A) *Rule Stated* [§1131]
 - (B) *Summons* [§1132]
- (V) **Sanity Not Triable** [§1133]
- (VI) **Unmasonic Conduct** [§§1134-1154]
 - (A) *Rule Stated* [§1134]
 - (B) *Instances* [§§1135-1154]
 - (1) *Adultery* [§1135]
 - (2) *Arranging False Evidence for Divorce* [§1136]
 - (3) *Entering Lodge When Intoxicated* [§1137]
 - (4) *Habitual Drunkenness* [§1138]
 - (5) *Habitual Licentiousness or Immorality* [§1139]
 - (6) *Habitual Lying* [§1140]
 - (7) *Improper Use of Blackball* [§1141]
 - (8) *Loaning or Giving Badge to Female Relative Not an Offense* [§1142]
 - (9) *Misrepresentation or Concealment in Petition for Affiliation* [§1143]
 - (10) *Neglect to Provide for Family* [§1144]
 - (11) *Profanity* [§1145]
 - (12) *Selling Influence as District Deputy Grand Master* [§1146]
 - (13) *Suggesting, Counselling or Assisting Petitioner in Misrepresentation, etc.* [§1147]

- (14) *Tampering with Ballot-Box* [§1148]
- (15) *Using Masonic Emblem to Advertise* [§1149]
- (16) *Violation of State or National Law* [§§1150-1154]
 - (a) *Concealing Assets in Bankruptcy* [§1150]
 - (b) *Fraudulent Representations* [§1151]
 - (c) *Larceny* [§1152]
 - (d) *National Prohibition Act* [§1153]
 - (e) *Slander and Libel* [§1154]
- (VII) **Violation of Constitutions, Laws, Rules or Edicts of Grand Lodge** [§§1155-1169]
 - (A) *Rule Stated* [§1155]
 - (B) *Instances* [§§1156-1169]
 - (1) *Clandestine Masonry* [§1156]
 - (2) *Disclosing or Declaring Kind of Ballot Cast* [§1157]
 - (3) *Discussing Merits of Petitioner* [§1158]
 - (4) *Failure to Pay Affiliation Fees* [§1159]
 - (5) *Failure to Pay Assessment* [§1160]
 - (6) *Lacking Essential Qualifications for Initiation* [§1161]
 - (7) *Making Contracts or Incurring Indebtedness Without Funds* [§1162]
 - (8) *Misrepresentation, Concealment or Deceit in Relation to Initiation* [§1163]
 - (9) *Neglect of Investigating Committee* [§1164]
 - (10) *Political Activity* [§1165]
 - (11) *Recommending Petitioner Improperly* [§1166]
 - (12) *Refusal to Ballot on Petition* [§1167]
 - (13) *Teaching Other than Standard Work* [§1168]
 - (14) *Withholding Lodge Funds* [§1169]
- b. **By Master** [§§1170-1176]
 - (I) *Rule Stated* [§1170]
 - (II) *Instances* [§§1171-1176]
 - (A) *Excluding Member of Lodge* [§1171]
 - (B) *Refusing to Admit District Deputy Grand Master* [§1172]
 - (C) *Refusing to Summon Lodge for Annual Communication* [§1173]

- (D) *Suppressing Letter Protesting Advancement of Candidate* [§1174]
 - (E) *Unlawful Balloting* [§1175]
 - (F) *Unlawfully Conferring Degrees* [§1176]
2. **By Lodge** [§§1177-1213]
- a. **In General** [1177]
 - b. **Contumacy to Grand Master or Grand Lodge** [§§1178-1179]
 - (I) **Rule Stated** [§1178]
 - (II) **Holding Procession** [§1179]
 - c. **Departure from Ancient Landmarks** [§1180]
 - d. **Disobedience to Masonic Process** [§1181]
 - e. **Violation of Constitutions, Laws, Rules or Edicts of Grand Lodge** [§§1182-1213]
 - (I) **Rule Stated** [§1182]
 - (II) **Instances** [§§1183-1213]
 - (A) *Electing Officers at Unsummoned Communication* [§1183]
 - (B) *Failing to Keep Prescribed Books and Records* [§1184]
 - (C) *Failing to Refer Petition to Investigating Committee* [§1185]
 - (D) *Holding Communication in Room Used by Clandestine Masons* [§1186]
 - (E) *Improperly Listing Persons Awaiting First Degree* [§1187]
 - (F) *Levyng Assessment Without Summons* [§1188]
 - (G) *Making Contracts or Incurring Indebtedness Without Funds* [§1189]
 - (H) *Neglecting to Make Returns or Pay Grand Lodge Dues* [§1190]
 - (I) *Neglecting to Meet for One Year* [§1191]
 - (J) *Permitting Withdrawal of Petition* [§1192]
 - (K) *Political Activity* [§1193]
 - (L) *Recommending Restoration of Expelled Mason Without Summoning Lodge* [§1194]

- (M) *Refusing to Grant Dimit* [§1195]
- (N) *Restoring by Show of Hands After Five Years* [§1196]
- (O) *Standard Work* [§1197]
- (P) *Turning Over Management of Lodge to Workers in Another Organization* [§1198]
- (Q) *Unlawful Balloting* [§§1199-1200]
 - (1) *In Less than Two Weeks* [§1199]
 - (2) *After Adverse Ballot* [§1200]
- (R) *Unlawfully Abating Lodge Membership* [§1201]
- (S) *Unlawful Affiliation* [§1202]
- (T) *Unlawfully Conferring Degrees* [§§1203-1210]
 - (1) *Rule Stated* [§1203]
 - (2) *Instances* [§§1204-1210]
 - (a) *Before Fee Paid* [§1204]
 - (b) *Invading Territorial Jurisdiction* [§1205]
 - (c) *On More than Five Candidates* [§1206]
 - (d) *On Persons Physically Disqualified* [§1207]
 - (e) *Unworthy Material* [§1208]
 - (f) *Within Prohibited Period* [§1209]
 - (g) *Without Required Petition* [§1210]
- (U) *Unlawfully Receiving Petition* [§§1211-1212]
 - (1) *At Special Communication* [§1211]
 - (2) *Within Twelve Months of Rejection* [§1212]
- (V) *Violating Own By-Laws* [§1213]

C. DEFENSES [§§1214-1221]

1. *Acquittal by State Court* [§1214]
2. *Advice of Lodge Member* [§1215]
3. *Dismissal of Complaint by Grand Master* [§1216]
4. *Failure to Read Petition* [§1217]
5. *Former Jeopardy* [§1218]
6. *Payment to Lodge of Fees from Candidate Unlawfully Initiated* [§1219]
7. *Restitution* [§1220]
8. *Sentence Suspended by State Court* [§1221]

D. THE COMPLAINT [§§1222-1228]

1. Defined [§1222]
2. Necessity for Complaint [§1223]
3. Who May Make Complaint [§1224]
4. Contents of Complaint [§§1225-1228]
 - a. Rule Stated [§1225]
 - b. Must State Facts Claimed to Constitute Offense [§1226]
 - c. Sources of Information and Belief in Truth [§1227]
 - d. Must State Fact of Conviction by Court of Law [§1228]

E. ACTION BY GRAND MASTER ON RECEIPT OF COMPLAINT [§§1229-1236]

1. May Be of Three Kinds [§§1229-1231]
 - a. Rule Stated [§§1229-1230]
 - (I) Generally [§1229]
 - (II) When Accused Committed as Insane [§1230]
 - b. Determination Indorsed on Complaint [§1231]
2. When Complaint Dismissed [§§1232-1233]
 - a. Forwarded to Grand Secretary [§1232]
 - b. Grand Secretary to Notify Complainant [§1233]
3. When Complaint Entertained [§§1234-1236]
 - a. Grand Master Appoints Trial Commission [§1234]
 - b. Files Certificate of Appointment with Grand Secretary [§1235]
 - c. Sends Notification of Appointment of Trial Commission and Complaint to Proctor [§1236]

F. THE TRIAL COMMISSION [§§1237-1240]

1. Number and Qualifications [§1237]
2. Chairman [§1238]
3. Quorum [§1239]
4. Employing Stenographer and Clerk [§1240]

G. THE CHARGES [§§1241-1249]

1. Defined [§1241]
2. Charges Are Prepared by Proctor [§1242]
3. Requisites of Charges [§§1243-1247]
 - a. How Entitled [§1243]
 - b. Necessary Allegations in Charges [§§1244-1247]

- (I) Rule Stated [§1244]
- (II) Charges Must Allege Facts Which Constitute an Offense [§1245]
- (III) Attaching or Setting Forth Document [§1246]
- (IV) Charges Must Be Signed by Proctor [§1247]
- 4. Joinder of Offenses [§1248]
- 5. Amendment of Charges [§1249]
- H. NOTICE OF CHARGES [§§1250-1259]**
 - 1. Necessity For [§1250]
 - 2. Contents of Notice [§1251]
 - 3. Manner of Serving Notice [§§1252-1254]
 - a. On Individual [§§1252-1253]
 - (I) By Personal Delivery [§1252]
 - (II) By Mail [§1253]
 - b. On Lodge [§1254]
 - 4. Who May Serve Notice [§1255]
 - 5. Proof of Service [§§1256-1259]
 - a. By a Master Mason [§§1256-1257]
 - (I) Rule Stated [§1256]
 - (II) Form of Certificate of Service [§1257]
 - b. By a Profane [§§1258-1259]
 - (I) Rule Stated [§1258]
 - (II) Form of Affidavit of Service [§1259]
- I. THE ANSWER [§§1260-1275]**
 - 1. Necessity For [§1260]
 - 2. Time Within Which Accused Must Answer [§§1261-1267]
 - a. General Statement [§1261]
 - b. When Charges and Notice Served Personally [§§1262-1264]
 - (I) In New York or Adjoining State [§1262]
 - (II) In Other States [§1263]
 - (III) In Any Other Place [§1264]
 - c. When Charges and Notice Served by Mail [§§1265-1267]
 - (I) In New York or Adjoining State [§1265]
 - (II) In Other States [§1266]
 - (III) In Any Other Place [§1267]
 - 3. Requisites of Answer [§§1268-1269]

- a. **Must Be in Writing and in Duplicate** [§1268]
- b. **Answer Should Be Signed by Accused** [§1269]
- 4. **Permissible Forms of Answer** [§§1270-1274]
 - a. **General Statement** [§1270]
 - b. **Admission** [§§1271-1273]
 - (I) **Without Qualification** [§1271]
 - (II) **With Exculpatory Statement or Explanation** [§1272]
 - (III) **With Plea in Mitigation of Punishment** [§1273]
 - c. **Denial** [§1274]
- 5. **Upon Whom Answer Served** [§1275]
- J. **CHALLENGE TO TRIAL COMMISSIONER** [§§1276-1290]
 - 1. **Right To** [§§1276-1277]
 - a. **General Rule** [§1276]
 - b. **Substituted Commissioner** [§1277]
 - 2. **Who May Challenge** [§1278]
 - 3. **When Challenge to Trial Commissioner Made** [§1279-1280]
 - a. **General Rule** [§1279]
 - b. **In Case of Substituted Commissioner** [§1280]
 - 4. **Challenge to Trial Commissioner How Made** [§§1281-1283]
 - a. **Must Be in Writing** [§1281]
 - b. **Must State Facts Showing Bias** [§1282]
 - c. **Facts Must Be Certified by Accused as True** [§1283]
 - 5. **Form of Challenge to Trial Commissioner** [§1284]
 - 6. **To Whom Challenge Sent** [§1285]
 - 7. **Reply of Challenged Commissioner** [§1286]
 - 8. **Determination of Challenge** [§§1287-1290]
 - a. **Prerogative of Grand Master** [§1287]
 - b. **Effect of Challenge** [§§1288-1290]
 - (I) **If Overruled** [§1288]
 - (II) **If Challenge Sustained** [§§1289-1290]
 - (A) *Substitute Commissioner Appointed* [§1289]
 - (B) *Proctor to Notify Accused* [§1290]

K. COMMISSION TO TAKE TESTIMONY [§§1291-1316]

1. How Secured [§§1291-1297]
 - a. By Stipulation [§§1291-1292]
 - (I) Rule Stated [§1291]
 - (II) Form of Stipulation [§1292]
 - b. On Application to Chairman of Trial Commission [§§1293-1297]
 - (I) Rule Stated [§1293]
 - (II) Form of Application for Commission [§1294]
 - (III) Notice to Adverse Party [§§1295-1296]
 - (A) *Required* [§1295]
 - (B) *Form of Notice* [§1296]
 - (IV) Form of Order Granting Commission to Take Testimony [§1297]
2. Interrogatories and Cross-Interrogatories [§§1298-1303]
 - a. Form [§§1298-1299]
 - (I) Of Interrogatories [§1298]
 - (II) Of Cross-Interrogatories [§1299]
 - b. Settlement of Interrogatories [§§1300-1302]
 - (I) When Proposed Interrogatories to be Submitted [§1300]
 - (II) To Whom Proposed Interrogatories Submitted [§1301]
 - (III) Form of Settlement of Interrogatories [§1302]
 - c. To Whom Settled Interrogatories Transmitted [§1303]
3. The Commission to Take Testimony [§§1304-1313]
 - a. To Whom Issued [§1304]
 - b. Form of Commission to Take Testimony [§1305]
 - c. How Commission to Take Testimony Executed [§§1306-1313]
 - (I) Papers Sent to Examiner by Proctor [§1306]
 - (II) Duties and Powers of Examiner [§§1307-1313]
 - (A) *Must Fix Time and Place for Examination* [§1307]
 - (B) *May Compel Attendance of Witness* [§1308]
 - (C) *Must Note Objection to Form of Question* [§1309]
 - (D) *Must Take Down Answers* [§§1310-1311]
 - (1) *Rule Stated* [§1310]
 - (2) *Form of Answers to Interrogatories* [§1311]

(E) *Must Return Certified Papers to Chairman of Trial Commission* [§§1312-1313]

(1) *Rule Stated* [§1312]

(2) *Form of Examiner's Certificate* [§1313]

4. *Use and Effect of Deposition* [§§1314-1316]

a. *General Rule* [§1314]

b. *Objection* [§§1315-1316]

(I) *To Competency of Witness* [§1315]

(II) *To Question and Answer* [§1316]

L. *PROCEEDINGS WHEN ACCUSED FAILS TO ANSWER* [§§1317-1325]

1. *After Personal Service or Receipt of Registered Mail* [§§1317-1320]

a. *Duty of Proctor* [§1317]

b. *Duty of Chairman* [§§1318-1319]

(I) *To Fix Time and Place for Commission to Meet* [§1318]

(II) *To Notify Proctor Thereof* [§1319]

c. *Duty of Trial Commission* [§1320]

2. *When Accused Not Served Personally or by Registered Mail for which Receipt Returned* [§§1321-1325]

a. *Duty of Proctor* [§§1321-1322]

(I) *To Notify Chairman* [§1321]

(II) *To Notify Counsel for Accused* [§1322]

b. *Duty of Chairman* [§§1323-1324]

(I) *To Fix Time and Place of Trial* [§1323]

(II) *To Designate Counsel for Accused* [§1324]

c. *Duty of Trial Commission* [§1325]

M. *PROCEEDINGS WHEN ACCUSED DENIES CHARGES* [§§1326-1335]

1. *Duty of Proctor* [§§1326-1328]

a. *To Send Copy of Charges and Answer to Each Commissioner* [§1326]

b. *To Serve Accused with Notice of Trial* [§§1327-1328]

(I) *Rule Stated* [§1327]

(II) *Manner and Time of Service* [§1328]

2. **Duty of Chairman** [§§1329-1330]
 - a. **To Fix Time and Place of Trial** [§1329]
 - b. **To Notify Proctor Thereof** [§1330]
3. **The Trial** [§§1331-1385]
 - a. **Conduct of Generally** [§1331]
 - b. **Adjournments** [§1332]
 - c. **Counsel** [§§1333-1337]
 - (I) **Right To** [§§1333-1335]
 - (A) *Of Complainant* [§1333]
 - (B) *Of Accused* [§1334]
 - (C) *Of Trial Commissioners* [§1335]
 - (II) **Only Master Mason May Act as Counsel** [§1336]
 - (III) **Right of Counsel to Bind by Stipulation** [§1337]
 - d. **Employing Stenographer** [§1338]
 - e. **Evidence** [§§1339-1355]
 - (I) **In General** [§1339]
 - (II) **Burden of Proof** [§§1340-1341]
 - (A) *When on Complainant* [§1340]
 - (B) *When on Accused* [§1341]
 - (III) **Admissibility of Evidence** [§§1342-1349]
 - (A) *In General* [§1342]
 - (B) *As to Ballot Cast* [§1343]
 - (C) *Depositions* [§1344]
 - (D) *Hearsay* [§1345]
 - (E) *Judgment of Court of Law* [§1346]
 - (F) *Record of Trial in Court of Law* [§§1347-1348]
 - (1) *Rule Stated* [§1347]
 - (2) *Evidence Impeaching Record May be Rebutted* [§1348]
 - (G) *Testimony Taken Before Prior Invalid Commission* [§1349]
 - (IV) **Weight and Sufficiency of Evidence** [§§1350-1354]
 - (A) *Circumstantial Evidence* [§1350]
 - (B) *Conviction in Court of Law* [§§1351-1354]

- (1) *Presumptive Evidence of Guilt* [§1351]
- (2) *Presumption of Guilt How Overcome* [§§1352-1354]
 - (a) *General Rule* [§1352]
 - (b) *By Proof as to Identity* [§1353]
 - (c) *By Proof as to Innocence or Reversal of Judgment* [§1354]
- (V) *Testimony How Taken Down* [§1355]
- f. *Joint or Separate Trial* [§1356]
- g. *Objections and Rulings Thereon* [§1357]
- h. *Permitting Amendment of Charges* [§1358]
- i. *Presence of Trial Commissioners* [§1359]
- j. *Publicity of Trial* [§§1360-1363]
 - (I) *Excluding Non-Masons* [§1360]
 - (II) *Excluding Spectators* [§1361]
 - (III) *Excluding Witnesses* [§1362]
 - (IV) *Presence of Accused Matter of Right* [§1363]
- k. *Termination of Trial* [§§1364-1365]
 - (I) *In General* [§1364]
 - (II) *Withdrawal of Charges* [§1365]
- l. *Witnesses* [§§1366-1385]
 - (I) *Compelling Attendance by Summons* [§§1366-1371]
 - (A) *Rule Stated* [§1366]
 - (B) *By Whom Summons Issued* [§1367]
 - (C) *To Whom Summons Issued* [§1368]
 - (D) *Form of Summons for Witness* [§1369]
 - (E) *How Summons for Witness Served* [§1370]
 - (F) *Proof of Service of Summons for Witness* [§1371]
 - (II) *Competency of Witnesses* [§§1372-1377]
 - (A) *General Rule* [§1372]
 - (B) *Competency as Witness of Accused* [§1373]
 - (C) *Competency as Witness of Expelled Mason* [§1374]
 - (D) *Competency as Witness of Master* [§1375]
 - (E) *Competency as Witness of Non-Mason* [§1376]
 - (F) *Competency as Witness of a Trial Commissioner* [§1377]

- (III) **Credibility of Witnesses** [§1378]
- (IV) **Number of Witnesses** [§1379]
- (V) **Privilege** [§1380]
- (VI) **Witnesses Testify How** [§§1381-1382]
 - (A) *Masons Not Sworn* [§1381]
 - (B) *Non-Masons Sworn or Affirm* [§1382]
- (VII) **Right of Accused to Confront Witnesses** [§§1383-1385]
 - (A) *General Rule* [§1383]
 - (B) *Exceptions* [§1384-1385]
 - (1) *When Witness Examined by Commission* [§1384]
 - (2) *When Witness Not Available After Prior Trial* [§1385]

N. PROCEEDINGS WHEN ACCUSED PLEADS EXCULPATORY FACTS [§§1386-1387]

- 1. **Which Are Accepted as True** [§1386]
- 2. **Which Are Not Accepted as True** [§1387]

O. PROCEEDINGS WHEN ACCUSED PLEADS FACTS IN MITIGATION OF PUNISHMENT [§§1388-1389]

- 1. **Which Are Accepted as True** [§1388]
- 2. **Which Are Not Accepted as True** [§1389]

P. PENALTIES [§§1390-1405]

- 1. **In General** [§1390]
- 2. **Individual Penalties** [§§1391-1401]
 - a. **Generally** [§§1391-1398]
 - (I) **How Determined** [§1391]
 - (II) **Reprimand** [§1392]
 - (III) **Fine** [§1393]
 - (IV) **Payment of Costs** [§1394]
 - (V) **Suspension** [§§1395-1397]
 - (A) *For Definite Time* [§1395]
 - (B) *Until Fine or Costs Paid* [§1396]
 - (C) *Until Letter of Apology Read* [§1397]

(VI) Expulsion [§1398]

b. Particular Offenses [§1399-1401]

(I) Disclosing Ballot [§1399]

(II) Felony [§1400]

(III) Misrepresentation, Concealment or Deceit in Connection with Initiation [§1401]

3. Lodge Punishments [§§1402-1405]

a. Which May Be Imposed [§§1402-1404]

(I) Reprimand [§1402]

(II) Fine [§1403]

(III) Payment of Costs [§1404]

b. May Recommend Forfeiture of Lodge Charter [§1405]

Q. COSTS [§§1406-1409]

1. What Are [§1406]

2. Costs Imposed on Either Party [§1407]

3. Costs How Collected [§§1408-1409]

a. General Rule [§1408]

b. From Lodge or Grand Treasurer [§1409]

R. DECISION OF TRIAL COMMISSION [§§1410-1426]

1. Must Be Made [§1410]

2. Majority Sufficient and Necessary [§1411]

3. Dissenting Report [§1412]

4. Requisites of Decision [§§1413-1419]

a. Rule Stated [§§1413-1415]

(I) Must Find on All Issues [§1413]

(II) In Case of Expulsion [§1414]

(III) In Case of Reprimand [§1415]

b. Suggested Form of Decision [§§1416-1419]

(I) When Accused Fails to Answer after Service [§1416]

(II) When Accused Defaults after Answer [§1417]

(III) When Accused Pleads Facts Accepted as True [§1418]

(IV) After Trial of Issues [§1419]

5. Filing Decision [§§1420-1422]
 - a. In General [§§1420-1421]
 - (I) Rule Stated [§1420]
 - (II) Notice of Filing Decision [§1421]
 - b. Recommending Forfeiture of Lodge Charter [§1422]
 6. Filing Minutes of Trial and Exhibits [§1423]
 7. Notice of Decision [§§1424-1425]
 - a. In General [§1424]
 - b. To Lodge of Which Accused Is or Was a Member [§1425]
 8. Effect of Decision [§1426]
- S. OPENING DEFAULT [§§1427-1439]**
1. Right to Apply For [§1427]
 2. Application to Open Default How Made [§§1428-1429]
 - a. By Petition Forwarded to Proctor [§1428]
 - b. Oral Argument Not Permitted [§1429]
 3. Duty of Proctor [§§1430-1432]
 - a. When Petition Received Before Decision Filed [§1430]
 - b. When Petition Received After Decision Filed [§1431]
 - c. Proctor May File Statement in Opposition [§1432]
 4. By Whom Decision Made [§§1433-1434]
 - a. When Petition Received Before Decision Filed [§1433]
 - b. When Petition Received After Decision Filed [§1434]
 5. Subsequent Proceedings [§§1435-1437]
 - a. If Petition Granted [§1435]
 - b. If Petition Denied [§§1436-1437]
 - (I) By Chairman of Trial Commission [§1436]
 - (II) By Grand Master [§1437]
 6. Denial of Petition to Open Default Appealable [§1438]
- T. APPEALS [§§1439-1490]**
1. Nature and Form of Remedy [§§1439-1447]
 - a. Office of Appeal [§1439]
 - b. Appellate Authority [§1440]
 - c. What Appealable [§§1441-1443]
 - (I) Decision of Trial Commission [§§1441-1442]

- (A) *Rule Stated* [§1441]
- (B) *Appeal May Be from Whole or Part of Decision* [§1442]
- (II) *Appeal from Denial of Petition to Open Default* [§1443]
- d. *Who May Appeal* [§1444]
- e. *Appeal Matter of Right* [§§1445-1447]
 - (I) *Rule Stated* [§1445]
 - (II) *Payment of Costs Not Prerequisite* [§1446]
 - (III) *Right to Appeal Unaffected by Unaffiliation* [§1447]
- 2. *Designation of Parties* [§1448]
- 3. *How Appeal Taken* [§§1449-1453]
 - a. *Notice Required* [§1449]
 - b. *Form of Notice of Appeal* [§1450]
 - c. *Upon Whom Notice of Appeal Served* [§1451]
 - d. *Time for Serving Notice of Appeal* [§1452]
 - e. *Filing Notice of Appeal with Grand Secretary* [§1453]
- 4. *Stay of Execution Pending Appeal* [§1454]
- 5. *Grand Secretary to Transmit Papers to Chief Commissioner of Appeals* [§1455]
- 6. *Notice of Submission or Argument of Appeal* [§§1456-1458]
 - a. *Required* [§1456]
 - b. *Time of Notice of Submission or Argument* [§1457]
 - c. *Form of Notice of Submission or Argument* [§1458]
- 7. *Briefs* [§1459-1461]
 - a. *Of Appellant* [§1459]
 - b. *Of Respondent* [§1460]
 - c. *Effect of Failure to Serve and File* [§1461]
- 8. *Presentation and Reservation of Grounds of Review* [§1462]
- 9. *Review* [§§1463-1485]
 - a. *Scope and Extent* [§§1463-1464]
 - (I) *May Review Law and Fact* [§1463]
 - (II) *Technicalities* [§1464]
 - b. *Presumptions* [§§1465-1466]
 - (I) *Good Faith and Ability of Trial Commissioners* [§1465]

- (II) Regularity of Judgment [§1466]
- c. Preliminary Proceedings [§§1467-1468]
 - (I) Failure to Serve Charges [§1467]
 - (II) Failure to Serve Notice of Trial [§1468]
- d. Charges Failing to Plead an Offense [§1469]
- e. Conduct of Trial [§§1470-1476]
 - (I) Denying Accused Counsel [§1470]
 - (II) Examining Accused Against Himself [§1471]
 - (III) Excluding Accused During Trial [§1472]
 - (IV) Failure to Receive Briefs or to Hear Oral Argument [§1473]
 - (V) Receiving Counsel and Advice as to Decision [§1474]
 - (VI) Refusing to Hear Non-Masons [§1475]
 - (VII) Testimony Not Reduced to Writing [§1476]
- f. Discretion of Trial Commissioners [§§1477-1480]
 - (I) Adjournment [§1477]
 - (II) Sentence and Punishment [§§1478-1479]
 - (A) *In General* [§1478]
 - (B) *Assessing Costs of Trial* [§1479]
 - (III) Refusing Commission to Take Testimony [§1480]
- g. Evidence [§§1481-1484]
 - (I) Failure of Proof [§1481]
 - (II) Hearsay [1482]
 - (III) New Evidence [§1483]
 - (IV) Too Remote [§1484]
- h. Questions of Fact—Conflicting Evidence [§1485]
- 10. Determination of Appeal and Disposition of Cause [§1486-1490]
 - a. Method of Determining [§1486]
 - b. Decisions Permissible [§1487]
 - c. Effect of Decision [§§1488-1490]
 - (I) Rule Stated [§1488]
 - (II) When Sentence Modified [§1489]
 - (III) When Judgment Reversed [§1490]

XIV. TRIALS AND DISCIPLINE.

[\$1105] A. In General—1. Foundation of Masonic Jurisprudence. The foundation of Masonic jurisprudence is the common law of Freemasonry, which is to be learned from the ancient usages of the Craft as developed and interpreted from and since the year 1721.¹

[\$1106] 2. Purpose of Masonic Discipline—a. Preservation of Good Repute, etc., of Craft. The primary purpose of Masonic discipline is to preserve the good repute and integrity of the Masonic institution by the prosecution and punishment of a particular Lodge whose acts or neglects tend to injure the Craft as a whole, or of an individual whose acts or neglects tend to injure a particular Lodge or the Craft as a whole or which have inflicted injury upon a brother Mason.²

[\$1107] b. Business Differences—(I) General Rule. Masonic discipline is not intended for the determination of differences growing out of business transactions,³ unless such differences result from action by the accused while acting in a fiduciary capacity by means of fraud or misdemeanor or amounting to larceny as defined by the Penal Law of the State of New York.⁴ Notwithstanding this provision of the Code, it is still the policy of the Craft "to await the evaluation of the alleged misconduct by the competent civil tribunals" before instituting a Masonic prosecution.⁵

1. Code P., §2.

2. Code P., §3.

"Or which have inflicted injury upon a brother Mason."—These words were new in the Code of Procedure which became effective on May 6, 1942 and have increased, to some extent, the variety of matters upon which Masonic charges may be based.

Under former Codes, it was held that the only variety of matter upon which charges might be predicated was some act or course of conduct which tended to injure the institution, distinct from the members who composed it. *Re Limitation, etc.*, 1941 p. 125, *approved* 1942 p. 114, 117, *Comp.* 1183.

3. Code P., §3; 1 Kane R., 209-213, *Comp.* 4, "Mercantile differences;" *Matter McBurney*, 1819 p. 135, *Comp.* 6-7, "any matter of private contract or pecuniary claim;" *Simons G. M.*, 1861 p. 188, *Comp.* 74, "pecuniary rights of Masons between each other;" *Thorne G. M.*, 1875 p. 30, *Comp.* 163, 167 (27), *approved* 1875 p. 231, *Comp.*

175, "to establish the civil rights of Brethren" or as "a convenient means through which a creditor may collect what is due him;" *Matter of Graves*, 1885 p. 102, *Comp.* 220, "mere non-payment of debts;" *Matter of Batavia Lodge, etc.*, 1910 p. 475, *Comp.* 472; *Golden Rule Lodge, etc.*, 1912 p. 274, *Comp.* 567, *approved* 1912 p. 272, *Comp.* 567, "business relations . . . in the absence of fraud."

4. Code P., §3. See also *King G. M.*, 1862 p. 28, *Comp.* 74, 77 (25), "unless it be made affirmatively to appear in evidence that it was contracted with intent or design to deceive, cheat, or defraud the creditor;" *Matter of Harris*, 1879 p. 85, *Comp.* 200, holding it to be no offense where, through business reverses, a debtor was unable to discharge his obligations, no intention to do any wrong was apparent, and there had been an assignment for the benefit of his creditors with a complete surrender of his property.

5. *Frank v. Goldman*, 1950 p. 41, *approved* 1950 p. 83.

[§1108] (II) Effect of Prior Resort to Civil Tribunal. When a brother resorts to the courts of law for relief or redress, he must take the law as administered in those courts and cannot afterwards apply to the Craft for a reversal of such decision.⁶

[§1109] c. Religious, Political or Secular Disputes. Masonic discipline is not intended for the determination of private disputes, whether religious, political or secular.⁷

[§1110] 3. Necessity of Conviction by Masonic Trial. Save in those cases in which a Lodge, the Master or the Grand Master has inherent right to exercise disciplinary powers, no Mason may be punished for a Masonic offense except upon conviction on a Masonic trial.⁸

[§1111] 4. Regulation of Masonic Disciplinary Proceedings. The method by which Masonic discipline may be invoked and Masonic offenses prosecuted, tried and punished is regulated by the Code of Procedure.⁹

[§1112] 5. Limitation of Prosecution—*a.* General Rule. Except as stated in the next four sections, a prosecution for a Masonic offense must be commenced within five years after the commission thereof¹⁰ and not from the time of its discovery.¹¹

[§1113] *b.* When Charge is Against Master or Past Master for Official Misconduct—(I) General Rule. Except as stated in the next section, a prosecution for official misconduct while holding the office of Master may be commenced against the Master or a Past Master of a Lodge only during the term of such Master or within one year after the expiration of the term in which such offense was committed.¹²

[§1114] (II) When Moral Turpitude Involved. If the official misconduct involve moral turpitude, the limitation mentioned in the preceding section shall not apply.¹³

6. Comm. on App., 1859 p. 265, Comp. 62.

7. Code P., §3; Lewis G. M., 1859 p. 28, Comp. 56, 58 (23), holding that charges on political or religious grounds should not be entertained by a Lodge, which at that date had jurisdiction to discipline its own members.

8. Code P., §12.

Lodge's inherent disciplinary powers, see *supra*, §671.

Master's inherent disciplinary powers, see *supra*, §§946, 972, 989.

Grand Master's inherent disciplinary powers, see *supra*, §945 *et seq.*

Masonic trial defined, see *supra*, §14.

9. Code P., §4.

This is the title of the Code (Sec. 1) which became effective on May 6, 1942.

10. Code P., §7.

11. *Re* Limitation, etc., 1941 p. 125, approved 1942 p. 114, 117, Comp. 1183, 1184.

Discovery of an act of Masonic misconduct committed by another does not constitute an act of misconduct by the perpetrator. *Re* Limitation, etc., 1941 p. 125, approved 1942 p. 114, 117, Comp. 1183.

12. Code P., §10.

13. Code P., §10; Thorne G. M., 1876 p. 29, Comp. 178, 180 (xlii), embezzlement of Lodge funds while Master. See also Gibson G. M., 1869 p. 47, Comp. 140, 141, to the effect that failure, on demand, to pay over money which had come into his hands while Master is a continuing offense till restored.

[§1115] c. When Charge is Felony of Which Accused Convicted. A prosecution for an offense which constitutes a felony as defined by the Penal Law of the State of New York of which the accused has been convicted by the judgment of a court of law of competent jurisdiction may be commenced at any time within five years after the date of such judgment.¹⁴

[§1116] d. When Charge is Misrepresentation, Concealment or Deceit in Relation to Initiation.¹⁵ A prosecution for making any misrepresentation to the Lodge in which he was initiated, or to a committee of investigation appointed by such Lodge, or of using any concealment or deceit in relation to his initiation, may be commenced against the offender at any time.¹⁶

[§1117] e. When Prosecution Deemed Commenced. A prosecution is deemed to be commenced when the complaint¹⁷ is presented to the Grand Master.¹⁸

[§1118] 6. Abatement of Prosecution. A prosecution to punish for a Masonic offense shall abate upon the death of the accused, but not upon the death of the complainant.¹⁹ In the latter case, the person who makes complaint is, in essence, acting in a representative capacity only.²⁰

[§1119] 7. Service of Papers—*a.* Upon Attorney Permitted When. Except in the case of the charges and notice, any paper or notice required by the Code of Procedure to be served on the accused may be served by ordinary mail upon an attorney who has appeared for him.²¹

[§1120] b. Determining Date of Service. The date of service of any paper shall be deemed to be the date of the personal delivery thereof or, if it be served by mail, the date of mailing.²²

[§1121] 8. Computing Time. In computing the time within which an act must be done, the first day shall be excluded and the last day included except where the last day is a Sunday or a legal holiday, in which case it shall also be excluded. When an act is required to be done in two days and a Sunday or a legal holiday intervenes, it must also be excluded.²³

14. Code P., §8.

15. Misrepresentation with respect to Affiliation, see *infra*, §1143.

16. Code P., §9.

17. Complaint, see *infra*, §1222 *et seq.*

18. Code P., §11.

19. Code P., §47.

20. *Re* Limitation, etc., 1941 p. 125, approved 1942 p. 114, 117, Comp. 1183.

21. Code P., §15.

Service of charges and notice, see *infra* §§1250-1259.

22. Code P., §14.

23. Code P., §14, any action required by the Code of Procedure; *Re* Computation of Time, etc., 1938 p. 74, approved 1938 p. 146, Comp. 1137, determining time which had elapsed on application of an unaffiliate for restoration; *Matter of Tecumseh Lodge No. 487*, 1939 p. 59, approved 1939 p. 118, Comp. 1152, same.

[§1122] 9. Number—Singular and Plural. Words in the singular number include the plural and in the plural number include the singular.²⁴

[§1123] B. Masonic Offenses—1. By Individual—a. Masons Generally—(I) Rule Stated Generally. A Mason may be punished for offenses committed either against the Craft or against society and,²⁵ under certain circumstances, even though committed before his initiation.²⁶ The Code of Procedure enumerates five kinds of Masonic offenses which subject the individual offender to trial and punishment²⁷ but it may be stated broadly that any Mason is liable to Masonic discipline for the violation of any moral law or for an offense deemed criminal by the law of the land,²⁸ even though he be unaffiliated²⁹ or non-affiliated.³⁰ It is in this sense that the expression "once a Mason always a Mason" is to be understood.³¹

[§1124] (II) Contemptuous, Disrespectful or Provocative Language or Conduct. The use or exhibition of contemptuous, disrespectful or provocative language or conduct toward any lawful Masonic authority at a time and place when such authority is acting as such constitutes a Masonic offense when used or exhibited by an individual Mason;³² but an acrimonious altercation between a member and the Master which occurred outside the Lodge, even though resulting from a difference of opinion respecting Lodge policy, does not constitute an offense.³³

[§1125] (III) Disobedience of Lawful Masonic Authority—(A) Rule Stated. Disobedience by an individual Mason of lawful Masonic authority constitutes a Masonic offense.³⁴

[§1126] (B) Instances—(1) Failure to Pay Costs of Trial. Failure, within a reasonable time, to pay the costs of a Masonic trial, when ordered by the judgment or decision, *prima facie* constitutes contumacy.³⁵

24. Code P., §16.

25. Thorne G. M., 1876 p. 29, Comp. 178, 181 (xix).

An Entered Apprentice or a Fellow Craft may be put on trial and disciplined for unmasonic conduct. Simons G. M., 1861 p. 18, Comp. 64 (1); Gibson G. M., 1869 p. 45, Comp. 136.

26. Comm. J., 1865 p. 196, Comp. 108, where the offense under consideration is not stated. But see, for example, *infra*, §1163.

27. Code P., §5.

28. Thorne G. M., 1876 p. 29, Comp. 178, 181 (xvi).

29. See *supra*, §1102.

30. See *supra*, §1099.

31. Thorne G. M., 1876 p. 28, Comp. 178, 181 (xix).

32. Code P., §5 (e).

33. Turner G. M., 1942 p. 114 (16), *approved* 1942 p. 117, Comp. 1171.

34. Consts., §5 (c).

35. Matter of Cryer, 1911 p. 222, Comp. 498, 499; Matter of Pythagoras Lodge, 1911 p. 230, Comp. 511, 512. Costs of trial, see *infra*, §§1406-1409.

【§1127】(2) **Holding Procession.** It is contumacy and a Masonic offense for members of a Lodge to participate in a public procession which has been prohibited by competent Masonic authority.³⁶

【§1128】(3) **Refusing to Act as Trial Commissioner.** Absence of a living Trial Commissioner or his refusal to act, without excuse, is a violation of his Masonic duty which constitutes a Masonic offense.³⁷

【§1129】(4) **Refusing to Obey Order of Grand Master.** Refusal to obey a lawful order of the Grand Master is punishable as contumacy.³⁸

【§1130】(5) **Refusing to Take Appointive Office.** Refusing to take office by appointment of the Master is an act of insubordination deserving of reproof.³⁹

【§1131】(IV) **Disobedience to Masonic Process—(A) Rule Stated.** Disobedience to process authorized by any law of Masonry, including the Code of Procedure, constitutes a Masonic offense when committed by an individual Mason.⁴⁰

【§1132】(B) **Summons.** Disobedience of a summons to testify before a Trial Commission⁴¹ or before an Examiner to take testimony,⁴² or to do a specific legal Masonic act, or to show cause why not done, or to attend and submit to an order, judgment or decision duly rendered, or to obey an order lawfully made,⁴³ or to attend a Masonic funeral,⁴⁴ or to pay an assessment⁴⁵ constitutes an offense.

【§1133】(V) **Sanity Not Triable.** The question of mental soundness cannot be determined by a Masonic tribunal.⁴⁶

36. 1837 p. 9, Comp. 22, approved 1837 p. 39, Comp. 23, where the Grand Stewards' Lodge forfeited the Lodge warrant and expelled officers and members for holding a public procession prohibited by the Deputy Grand Master.

37. Barry v. Kiroach, 1917 p. 224, Comp. 800, 802.

38. Matter of Downey, 1880 p. 55, Comp. 205, refusal by Master to surrender Lodge warrant when ordered by the Deputy Grand Master; Anthony G. M., 1881 p. 37, Comp. 214, refusal of Lodge Secretary to deliver books and papers to the Master when ordered by the Grand Master; Suspension of Charter, etc., 1911 p. 241, Comp. 526, 529, conferring of degree by Master after order forbidding communicated by the District Deputy Grand Master.

39. 1844 p. 66, Comp. 24.

40. Code P., §5 (d).

41. Gibson G. M., 1869 p. 46, Comp. 138; Zschokke Lodge No. 202 v. Bodtman, 1923 p. 170, Comp. 870.

42. Code P., §66.

43. Gibson G. M., 1869 p. 44, Comp. 134.

A Past Grand Treasurer was cited to appear before Grand Lodge to show cause why he should not be expelled for disobeying Grand Lodge summons and for other unmasonic conduct and was expelled by resolution. 1849 pp. 53-55, Comp. 25.

44. Lewis G. M., 1859 p. 28, Comp. 55, 57 (16); Gibson G. M., 1870 p. 47, Comp. 155.

45. Gibson G. M., 1870 p. 46, Comp. 153.

46. Matter of Patterson, 1893 p. 157, Comp. 227, wherein the Commissioners of Appeals held that allegations that accused was *non compos mentis* should have been eliminated from a complaint.

[§1134] (VI) Unmasonic Conduct—(A) Rule Stated. An act or conduct tending to impair the purity of the Masonic institution or its usefulness, or to cause scandal, or to degrade it in public estimation, or which is in any-wise contrary to its principles, obligations or teachings, constitutes a Masonic offense when committed by an individual Mason.⁴⁷

[§1135] (B) Instances—(1) Adultery. Adultery, which is not only a crime,⁴⁸ but also violative of the seventh Commandment and hence contrary to the teachings of the Craft, is a Masonic offense.⁴⁹

[§1136] (2) Arranging False Evidence for Divorce. The deliberate planning of an affair, "arranged for a frame-up," for the purpose of deceiving a court of justice and inducing it, if an action were brought, to render a judgment which would be absolutely contrary to the fact, is an offense.⁵⁰

[§1137] (3) Entering Lodge When Intoxicated. One entering a Lodge when intoxicated should be tried therefor.⁵¹

[§1138] (4) Habitual Drunkenness. The practice of habitual drunkenness is a Masonic offense.⁵²

[§1139] (5) Habitual Licentiousness or Immorality. It is a Masonic offense for one to be habitually licentious or immoral.⁵³

[§1140] (6) Habitual Lying. Habitual lying constitutes a Masonic offense.⁵⁴

47. Code P., §5 (a).

The Masonic Teaching.—Recognizing the impossibility of confining the teaching of Masonry to any fixed forms of expression, yet acknowledging the value of authoritative statements of fundamental principles, the following is proclaimed as the Masonic Teaching. Masonry teaches man to practice charity and benevolence, to protect chastity, to respect the ties of blood and friendship, to adopt the principles and revere the ordinances of religion, to assist the feeble, guide the blind, raise up the downtrodden, shelter the orphan, guard the altar, support the Government, inculcate morality, promote learning, love man, fear God, implore His mercy and hope for happiness. Consts., p. 3.

48. Pen. L., §100.

49. *Batavia Lodge v. Richmond*, 1921 p. 138, Comp. 848, 851-852, *approved* 1921 p. 138, Comp. 848; *Rondout Lodge v. Roberts*, 1921 p. 142, Comp. 852, *approved* 1921 p. 138, Comp. 848; In the *Matter of Canastota Lodge*, 1922 p. 195, Comp. 864, *approved* 1922 p. 194, Comp. 862.

50. *Rondout Lodge v. Roberts*, 1921 p. 142, Comp. 852, 856-857, *approved* 1921 p. 138, Comp. 848.

51. *Gibson G. M.*, 1870 p. 45, Comp. 152, holding void a by-law which provided that one entering the Lodge disguised in liquor stands suspended.

52. *Gibson G. M.*, 1869 p. 44, Comp. 134, 136.

53. *Gibson G. M.*, 1869 p. 44, Comp. 134, 136.

54. *Gibson G. M.*, 1869 p. 44, Comp. 134, 136.

[§1141] (7) **Improper Use of Blackball.** While a threat to blackball an unobjectionable candidate does not constitute an offense, the blackballing of such a candidate, not on his merits, does.⁵⁵

[§1142] (8) **Loaning or Giving Badge to Female Relative Not an Offense.** The loaning or giving of a Masonic badge to a wife, sister or daughter to be worn by her is not an offense although the practice is discountenanced.⁵⁶

[§1143] (9) **Misrepresentation or Concealment in Petition for Affiliation.** Although not specifically so declared as in the case of a petition for initiation,⁵⁷ misrepresentation or concealment in a petition for affiliation constitutes a Masonic offense.⁵⁸

[§1144] (10) **Neglect to Provide for Family.** The separation of a brother from his wife does not absolve him from the duty of preventing her from becoming a charge upon the brethren. If he do so, his conduct should be the subject of investigation and, in a proper case, action should be taken.⁵⁹

[§1145] (11) **Profanity.** The use of profane language is grossly un-masonic and highly injurious to the character of Freemasonry. Any Mason using such language is liable to the disciplinary laws of the Craft.⁶⁰

[§1146] (12) **Selling Influence as District Deputy Grand Master.** It is an offense for a brother to agree, in return for his influence while District Deputy Grand Master in procuring a dispensation from the Grand Master to institute a new Lodge, to receive some gift or other emolument and in pursuance of such agreement to receive a diamond ring.⁶¹

[§1147] (13) **Suggesting, Counselling or Assisting Petitioner in Misrepresentation, etc.** A brother suggesting, counseling or assisting a petitioner in misrepresentation, concealment or deceit in his petition is guilty of un-masonic conduct.⁶²

55. Matter of Babylon Lodge, 1942 p. 46, *approved* 1942 p. 120, Comp. 1194, which says that the making of a threat, followed by actual blackballings, constitutes circumstantial evidence from which a Trial Commission might, if it saw fit, find that the offense had been committed.

56. Matter of Stanton, 1910 p: 555, Comp. 368.

57. See *infra*, §1163.

58. Thorne G. M., 1875 p. 30, Comp. 163 (8), *approved* 1875 p. 231, Comp. 175.

59. In the Matter of Mystic Tie Lodge, 1913 p. 221, Comp. 583, 591-592.

60. 1857 pp. 107-114, Comp. 38 (24); King G. M., 1862 p. 28, Comp. 74, 84 (66).

61. Matter of Cryer, 1910 p. 372, Comp. 254.

62. Matter of Abrams, Comms. App., 1892 p. 135-136, Comp. 226; Matter of Beacon Light Lodge, 1914 p. 170, Comp. 656, changing occupation from "bartender" to "musician."

[§1148] (14) **Tampering with Ballot-Box.** Tampering with the ballot-box is a serious Masonic offense because the act of removing ballots to prevent a free expression of choice tends to impair the purity and usefulness of the Masonic Institution and to cause scandal and is contrary to its principles, obligations and teachings.⁶³

[§1149] (15) **Using Masonic Emblem to Advertise.** A hotel keeper who makes use of Masonic emblems on his sign or in his bar for the purpose of drawing custom, or for any other improper purpose, is liable to be disciplined for it and if, after being admonished by the Master to remove them, he persists in the practice, charges should be preferred against him and he be tried and punished.⁶⁴

[§1150] (16) **Violation of State or National Law—(a) Concealing Assets in Bankruptcy.** Concealing assets of a bankrupt or aiding therein is a Masonic offense.⁶⁵

[§1151] (b) **Fraudulent Representations.** Securing purchasers of corporate stock by means of fraudulent representations is a Masonic offense.⁶⁶

[§1152] (c) **Larceny.** Converting to his own use funds entrusted to him for a specific purpose,⁶⁷ embezzling the funds of a Chapter,⁶⁸ or stealing gas by means of a pipe from the gas company's main⁶⁹ constitutes a Masonic offense.

[§1153] (d) **National Prohibition Act.** Violation of the National Prohibition Act constituted a Masonic offense.⁷⁰

[§1154] (e) **Slander and Libel.** Slanders and libels made and uttered by one Mason against another constitute a Masonic offense subjecting the perpetrator to discipline.⁷¹

63. *Mork v. Philipsson*, 1912 p. 278, Comp. 571, 577, approved 1912 p. 272, Comp. 567.

64. *King G. M.*, 1862 p. 28, Comp. 74, 82 (56).

65. *Mt. Moriah Lodge v. Tamases*, 1921 p. 145, Comp. 857.

66. *Citizens Lodge No. 628 v. Davis*, 1924 p. 190, Comp. 878.

67. 1860 p. 170, Comp. 63, money collected as a Deputy Sheriff; *Matter of Demarest*, 1877 p. 79, Comp. 190, money received to pay the dues of a brother; *Kings County Lodge No. 511 v. Stengel*, 1914 p. 162, Comp. 646, money received to pay funeral bill for a client.

68. *Lewis G. M.*, 1859 p. 23, Comp. 56, 57 (9).

69. *Matter of Piatt Lodge*, 1911 p. 224, Comp. 502.

70. *Tunison et al. v. Miller*, 1927 p. 163, Comp. 894.

71. *Burnier v. Cram*, 1911 p. 395, Comp. 267, affidavits reflecting on the integrity of Lodge officers; *Matter of Beckner*, 1879 p. 89, Comp. 200, libelous publication in a weekly newspaper; *Comms. App.*, 1904 p. 272, Comp. 243, printing a libel in a newspaper published by the accused. See also *Matter of Hubbard*, 1879 p. 87, Comp. 200, where, however, the letter complained of was found not libelous.

[§1155] (VII) Violation of Constitutions, Laws, Rules or Edicts of Grand Lodge—(A) Rule Stated. A violation of the Constitutions, laws, rules or edicts of Grand Lodge, or failure to observe the same, constitutes a Masonic offense when the act of an individual Mason.⁷²

[§1156] (B) Instances—(1) Clandestine Masonry. Promoting clandestine Masonry has always been an offense⁷³ and since May 7, 1931 any Mason under the jurisdiction of Grand Lodge who shall take or receive, confer or be present at, or assist in the conferring of any degree, grade or order, in or under the authority of any organization or body claiming to be Masonic, or which uses or employs in its ceremonies, either directly or indirectly, or by reference thereto or otherwise, any part of the esoteric work, signs or symbols of the three degrees of Ancient Craft Masonry, and which is not declared to be or recognized as such Masonic organization or body by Grand Lodge, is guilty of a Masonic offense.⁷⁴

[§1157] (2) Disclosing or Declaring Kind of Ballot Cast. Any brother who shall in any way make known the kind of ballot cast by himself or another on the 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 aforesaid commits a Masonic offense.⁷⁵

[§1158] (3) Discussing Merits of Petitioner. Discussion in the Lodge upon the merits of a petitioner for initiation, passing or raising constitutes an offense.⁷⁶

[§1159] (4) Failure to Pay Affiliation Fee. The proper course when an affiliate fails to pay his affiliation fee is to prefer charges.⁷⁷

[§1160] (5) Failure to Pay Assessment. Failure to pay a lawful assessment is a failure to perform a Masonic duty⁷⁸ and it is a Ma-

72. Code P., §5 (b).

Formerly mere failure, in the absence of any allegation of wrong-doing or intent, was insufficient to make out a Masonic offense. Matter of Higley, 1885 p. 103, Comp. 221, where the Secretary was charged with failure to keep the Lodge books correctly.

73. 1796 1 Kane R. p. 203, Comp. 4; Commrs. App., 1904 p. 270, Comp. 243.

74. Consts., §507.

Bodies recognized as Masonic organizations by Grand Lodge, see *supra*, §91.

75. Consts., §406. See also 1876 p. 29, Comp., 178, 180 (x).

76. In the Matter of W. Bro. Peter Bianchetti, 1913 p. 294, Comp. 642.

77. King G. M., 1862 p. 28, Comp. 74, 86 (85).

78. Consts., §371; Thorne G. M., 1876 p. 29, Comp. 178, 179 (v); In the Matter of Plattsburgh Lodge, 1913 p. 254, Comp. 629, 635; Matter of Worth Lodge, 1916 p. 179, Comp. 772, 773; 1917 p. 236, Comp. 806, 809 (11), approving Matter of Clinton Lodge, 1916 p. 187, Comp. 784.

sonic offense for a brother able to pay such assessment to refuse to meet it.⁷⁹

[§1161] (6) **Lacking Essential Qualifications for Initiation.** In the event that at the time of his initiation a Mason shall have lacked any of the essential qualifications specified in section 346 of the Book of Constitutions, he may be tried therefor and, if found guilty, may be punished by suspension or expulsion.⁸⁰

[§1162] (7) **Making Contracts or Incurring Indebtedness Without Funds.** It seems that Lodge officers making contracts or incurring indebtedness for a non-Masonic purpose without funds in hand to meet the same would be amenable to discipline for gross violation of their duties.⁸¹

[§1163] (8) **Misrepresentation, Concealment or Deceit in Relation to Initiation.**⁸² Misrepresentation by a brother to the Lodge in which he shall have been initiated, or to a Committee appointed by such Lodge, or using any concealment or deceit in relation to his initiation, is specifically made punishable.⁸³ It may consist of misrepresentation with respect to residence,⁸⁴ misrepresentation or concealment concerning a previous rejection,⁸⁵ or using an assumed name for the purpose of deception.⁸⁶ The concealment need not be intentional.⁸⁷

[§1164] (9) **Neglect of Investigating Committee.** Neglect of one acting on an Investigating Committee to exercise due scrutiny as to the eligibility and worthiness of a candidate and reporting favorably, when the candidate was not eligible or not worthy, constitutes an offense.⁸⁸

79. In the Matter of the Construction, etc., 1910 p. 451, Comp. 438, 447; Matter of Genesee Falls Lodge No. 507, 1945 p. 64, approved 1945 p. 79.

80. Consts., §407; Re Robert Fulton Lodge No. 1014, 1951 p. 21, approved 1951 p. 26.

81. In the Matter of the Construction, etc., 1910 p. 451, Comp. 438, 452-453.

82. Same in petition for affiliation, see *supra*, §1143.

83. Consts., §407.

84. Matter of D'Arville, 1911 p. 227, Comp. 506.

85. Consts., §407; Gibson G. M., 1869 p. 41, Comp. 131, 132; Commrs. App. approved in Maimonides Lodge, 1925 p. 175, Comp. 882.

There was no offense where the accused answered that he had been rejected in "Continatlon" Lodge when there was no such Lodge and he had

been rejected in "Continental" Lodge. There was no evidence that he willfully misspelled the name or that the members of the Lodge were actually misled by this erroneous spelling. They were put upon inquiry by the statements made in his petition and, if they were misled, it was through their own fault and neglect in not following up the inquiry and ascertaining the facts. Matter of Guardian Lodge No. 921 v. Eberich, 1922 p. 862, approved 1922 pp. 192-194, Comp. 862.

86. 1861 p. 189, Comp. 74, having been previously convicted of a crime; Holmes G. M., 1866 p. 19, Comp. 109, 110 (i), approved 1866 p. 81, Comp. 113.

87. Roberts v. West, Commrs. App., 1951 p. 51.

88. 1860 p. 181, Comp. 63, should require proof of good standing; Gibson G. M., 1870 p. 44, Comp. 149, 150.

[\$1165] (10) **Political Activity.** For any Freemason over whom Grand Lodge has Masonic penal jurisdiction directly or indirectly to use or attempt to use Freemasonry for or against any political activity, enterprise or candidacy, or either personally or by written letter or circular or in any other manner directly or indirectly to solicit or attempt to obtain votes for or against any candidate for political office on the ground or for the reason that such candidate is or is not a member of the Craft and therefore worthy or otherwise of political support, is a Masonic offense.⁸⁹

[\$1166] (11) **Recommending Petitioner Improperly.** One who recommends the petition of another for initiation in a Lodge knowing, or having good reason to believe, that the same is presented in violation of Masonic Law, or that the candidate is physically or otherwise disqualified, is liable to discipline therefor⁹⁰ and the same might well apply to a grossly negligent recommendation.⁹¹

[\$1167] (12) **Refusal to Ballot on Petition.** Refusal of a brother, when present, to cast his ballot at any balloting for initiation, advancement or affiliation constitutes a Masonic offense.⁹²

[\$1168] (13) **Teaching Other than Standard Work.** Any Mason entering into a combination, secret or otherwise, for the purpose of teaching and disseminating any other system of work than that approved by Grand Lodge and taught by the Grand Lecturer and his assistants, is guilty of violating his covenant and subject to discipline.⁹³

[\$1169] (14) **Withholding Lodge Funds.** If a Secretary or Treasurer withhold funds belonging to the Lodge and refuse to pay them over, charges should be preferred and the delinquent tried.⁹⁴

[\$1170] b. **By Master—(1) Rule Stated.** Although for certain official acts, some instances of which are given in the next six sections, a Master or Past Master may be prosecuted only within a definite period,⁹⁵ he is otherwise amenable to discipline like any other brother.⁹⁶

[\$1171] (II) **Instances—(A) Excluding Member of Lodge.** A Master may be tried and punished for excluding a member when the motives for that act and other circumstances connected therewith were not such as to warrant an exercise of his prerogative.⁹⁷

89. Consts., §509.

90. Gibson G. M., 1869 p. 44, Comp. 134, 135; Gibson G. M., 1870 p. 44, Comp. 149, 150.

91. Re Sunrise Lodge No. 1069, 1951 p. 19, approved 1951 p. 26.

92. Re Refusal of Lodge Member to Ballot, 1949 p. 22, approved 1949 p. 35.

93. Simons G. M., 1861 p. 18, Comp. 64, 66 (28).

94. King G. M., 1862 p. 28, Comp. 74, 79 (37).

95. See *supra*, §1113.

96. Thorne G. M., 1876 p. 29, Comp. 178, 181 (xvi).

97. 1856 p. 154, Comp. 154, 155.

【§1172】 (B) Refusing to Admit District Deputy Grand Master. A Master refusing to admit the District Deputy Grand Master, when announced in his official character, is subject to discipline.⁹⁸

【§1173】 (C) Refusing to Summon Lodge for Annual Election. A Master refusing to summon the Lodge for the annual election of officers is liable to discipline.⁹⁹

【§1174】 (D) Suppressing Letter Protesting Advancement of Candidate. The failure of a Master to submit a letter from a sister Lodge which protested the further advancement of a Fellow Craft and advancing him justified a conviction of official misconduct.¹

【§1175】 (E) Unlawful Balloting. A Master is amenable to discipline for taking a ballot upon a proposition, not a petition, for initiation,² for postponing a ballot once commenced³ or for spreading a second ballot after the first had been declared adverse.⁴

【§1176】 (F) Unlawfully Conferring Degrees. A Master is guilty of a Masonic offense if he initiates a candidate who does not possess the necessary physical qualifications,⁵ has not filed a petition,⁶ or has failed to answer the questions required of a candidate,⁷ or for initiating or advancing a candidate within a prohibited period⁸ or after interdiction by the Grand Master.⁹

【§1177】 2. By Lodge—a. In General. Masonic offenses which subject an offending Lodge to trial and punishment are of four kinds¹⁰ and will be considered in detail in the next thirty-six sections.

【§1178】 b. Contumacy to Grand Master or Grand Lodge—(I) Rule Stated. Contumacy to the authority of the Grand Master or Grand Lodge constitutes a Masonic offense when committed by a Lodge.¹¹

【§1179】 (II) Holding Procession. A Lodge warrant was forfeited for contumacy of Grand Lodge in holding a public procession prohibited by the Deputy Grand Master.¹²

98. Paige G. M., 1864 p. 25, Comp. 98, 102 (25), approved 1864 p. 164, Comp. 105.

99. Thorne G. M., 1875 p. 30, Comp. 163, 167 (29), approved 1875 p. 231, Comp. 175.

1. Commrs. App., 1911 p. 395, Comp. 264.

2. 1860 p. 177-178, Comp. 63.

3. Thorne G. M., 1876 p. 29, Comp. 178, 179 (vii); Matter of Eureka Lodge, 1943 p. 48, approved 1943 p. 129.

4. Thorne G. M., 1875 p. 30, Comp. 163, 169 (40), approved 1875 p. 231, Comp. 175.

5. 1857 p. 107, Comp. 32, 43 (52);

Fortuna Lodge Case, 1881 p. 38, Comp. 215; Sawyer G. M., 1909 p. 64, Comp. 247, 248; Matter of Wallace, 1910 p. 499, Comp. 292; Matter of Living Stone Lodge, 1911 p. 264, Comp. 560.

6. 1860 pp. 177-178, Comp. 63.

7. Gibson G. M., 1869 p. 41, Comp. 131.

8. Matter of Carpenter, 1910 p. 515, Comp. 314.

9. Suspension of Charter, 1911 p. 241, Comp. 526, 531.

10. Code P., §6.

11. Consts., §336, subs. 1; Code P., §6 (c).

12. 1837 pp. 9-29, Comp. 22-23.

[§1180] c. **Departure from Ancient Landmarks.** Departure from the original plan of Masonry and the Ancient Landmarks on the part of a Lodge constitutes a Masonic offense.¹³

[§1181] d. **Disobedience to Masonic Process.** Disobedience by a Lodge to process authorized by any law of Masonry, including the Code of Procedure, constitutes a Masonic offense.¹⁴

[§1182] e. **Violation of Constitutions, Law, Rules or Edicts of Grand Lodge—(I) Rule Stated.** A violation of the Constitutions, laws, rules or edicts of Grand Lodge by a Particular Lodge, or its failure to observe the same, is a Masonic offense.¹⁵

[§1183] (II) **Instances—(A) Electing Officers at Unsummoned Communication.** It is an offense for a Lodge to elect constitutional officers at an unsummoned communication.¹⁶

[§1184] (B) **Failing to Keep Prescribed Books and Records.** Failing to keep the books and records prescribed in the Book of Constitutions is an offense.¹⁷

[§1185] (C) **Failing to Refer Petition to Investigating Committee.** Failure of a Lodge to refer a petition for initiation or affiliation to an Investigating Committee constitutes an offense.¹⁸

13. Consts., §336, subs. 2; Code P., §6 (a).

Commercializing Masonry.—Charges were directed against the Lodge when it appeared that men were intimidated and practically forced into taking life insurance through the agency of officers of the Lodge and members of the "Membership Committee" by being given to understand that otherwise they would not be elected to membership or if already elected would not be advanced. These practices were unmasonic and very reprehensible and yet, after the facts were generally known and an investigation was imminent, the members of the Lodge re-elected one of these life insurance solicitors as Secretary of the Lodge. For the officers of a Lodge to commercialize masonry by making for themselves financial gain out of petitioners for membership and others who are entitled to advancement by means of threats and intimidation, is debasing our fraternity and is calculated to bring it into serious disrepute. Every Mason and especially every officer of a Lodge should zealously guard and

preserve the traditions, landmarks and charges of our ancient and honorable fraternity and this can be accomplished only by maintaining the very highest moral and ethical standards in all our relations. Chancellor Kent Lodge No. 870, Add. G. M., 1923 pp. 54-55, Comp. 867, 868.

14. Code P., §6 (d).

15. Consts., §336, subs. 3; Code P., §6 (b).

16. In the Matter of Rockaway Lodge, 1948 p. 103.

17. Zodiac Lodge, 1929 p. 151, Comp. 958, failure to keep Book of By-laws with signatures of members; In the Matter of Rockaway Lodge, 1948 p. 103, failing to keep Book of By-Laws with signatures of members, alterations in and omissions from the record book of proceedings, alterations and false entries in and omissions from the Historical Register, and failing to keep alphabetical list of rejections, etc.

18. In the Matter of Rockaway Lodge, 1948 p. 103.

[§1186] (D) **Holding Communications in Room Used by Clandestine Masons.** Any Lodge which shall hold its meetings in the same room with a Lodge of irregular and clandestine Masons subjects itself to the disciplinary action of Grand Lodge.¹⁹

[§1187] (E) **Improperly Listing Persons Awaiting First Degree.** It is an offense for a Lodge to list in its notices the names of candidates as awaiting the first degree of whom the minutes record the receipt of notices of intention to propose but do not record their election.²⁰

[§1188] (F) **Levying Assessment Without Summons.** A Lodge is guilty of an offense if it attempts to levy an assessment on its members without duly summoning them to act on the matter.²¹

[§1189] (G) **Making Contracts or Incurring Indebtedness Without Funds.** It seems clear that a Lodge making contracts or incurring indebtedness for a non-Masonic purpose without funds in hand to meet the same, save such as may be obtainable by special tax or assessments, would be amenable to Masonic discipline.²²

[§1190] (H) **Neglecting to Make Returns or Pay Grand Lodge Fees.** It is a Masonic offense for a Lodge to neglect to make returns and pay dues to Grand Lodge for two consecutive years.²³

[§1191] (I) **Neglecting to Meet for One Year.** Ceasing to meet as a Lodge for one year is a Masonic offense.²⁴

[§1192] (J) **Permitting Withdrawal of Petition.** It is an offense for a Lodge without action thereon by ballot to permit the withdrawal of a petition for initiation which has been received and referred to an Investigating Committee.²⁵

[§1193] (K) **Political Activity.** A Lodge which directly or indirectly uses or attempts to use Freemasonry for or against any political activity, enterprise or candidacy, or which, by written letter or circular or in any other manner, directly or indirectly solicits or attempts to obtain votes for or against any candidate for political office on the ground or for the reason that such candidate is or is not a member of the Craft and therefore worthy or otherwise of political support, is guilty of a Masonic offense.²⁶

19. 1857 pp. 107-114, Comp. 32, 37 (21).

20. In the Matter of Rockaway Lodge, 1948 p. 103, in which case candidates were initiated with no record in the minutes of their election.

21. In the Matter of Rockaway Lodge, 1948 p. 103.

22. In the Matter of the Construction, etc., 1910 p. 451, Comp. 438, 452-453.

23. Consts., §§324, 336, subs. 5. See also In the Matter of Rockaway Lodge, 1948 p. 103, where the Lodge failed to make return or pay the prescribed fee on an initiate who died before receiving his second degree.

24. Consts., §324, 336, subs. 4.

25. Zodiac Lodge, 1929 p. 151, Comp. 958; In the Matter of Rockaway Lodge, 1948 p. 103.

26. Consts., §509.

[§1194] (L) **Recommending Restoration of Expelled Mason Without Summoning Lodge.** For a Lodge to recommend the restoration of an expelled Mason without summoning the Lodge to act thereon constitutes an offense.²⁷

[§1195] (M) **Refusing to Grant Dimit.** Refusal of a Lodge to grant a dimit upon proper request is a Masonic offense.²⁸

[§1196] (N) **Restoring by Show of Hands After Five Years.** It is an offense for a Lodge to restore to membership by show of hands after five years of unaffiliation for non-payment of dues.²⁹

[§1197] (O) **Standard Work.** A Lodge's refusal to adopt and practice the standard work and lectures of Grand Lodge subjects it to discipline.³⁰

[§1198] (P) **Turning Over Management of Lodge to Workers in Another Organization.** The charter of a Lodge which was organized for the purpose of bringing a club into Masonry practically as a whole and turning its management over to the active workers in such club at the earliest possible moment and which, when organized, did turn over its management was forfeited.³¹

[§1199] (Q) **Unlawful Balloting—(1) In Less than Two Weeks.** A Lodge which acts on petitions in less than two weeks after their receipt is subject to discipline.³²

[§1200] (2) **After Adverse Ballot.** The action of a Lodge in spreading a second ballot, the first having been declared adverse, renders it subject to discipline.³³

[§1201] (R) **Unlawfully Abating Lodge Membership.**³⁴ It is an offense for a Lodge to unaffiliate a member for non-payment of dues without first summoning him³⁵ and a Lodge is liable to suspension of its charter for attempting to enforce, by unaffiliation or suspension, the collection of dues accruing after its refusal to grant a dimit to a member entitled thereto.³⁶

27. In the Matter of Rockaway Lodge, 1948 p. 103.

28. Comm. J., 1905 p. 262, Comp. 244; Matter of Pacific Lodge, 1942 p. 50, Comp. 1200, approved 1942 p. 118, Comp. 1200.

29. In the Matter of Rockaway Lodge, 1948 p. 103.

30. King G. M., 1862 p. 28, Comp. 74, 84 (67); Paige G. M., 1864 p. 25, Comp. 98, 100 (10), approved 1864 p. 164, Comp. 105.

31. Zodiac Lodge, 1929 p. 151, Comp. 958.

32. Zodiac Lodge, 1929 p. 151, Comp. 958, petitions for initiation; In the Matter of Rockaway Lodge, 1948 p. 103, petitions for initiation and affiliation.

33. Paige G. M., 1875 p. 30, Comp. 163, 169 (40), approved 1875 p. 231, Comp. 175.

34. Abating membership, see *supra*, §586.

35. In the Matter of Rockaway Lodge, 1948 p. 103.

36. Matter of Lucas, 1906 p. 308, Comp. 244.

【§1202】 (S) Unlawful Affiliation. A brother restored to the rights and privileges of Masonry after expulsion is restored to the status of a non-affiliated Mason and a Lodge is guilty of an offense if it restores him to membership without his presenting a new petition, its reference to an Investigating Committee and a unanimous ballot thereon.³⁷

【§1203】 (T) Unlawfully Conferring Degrees³⁸—(I) Rule Stated. A Lodge should be punished for conferring a degree in violation of the Constitutions or Landmarks.³⁹

【§1204】 (2) Instances—(a) Before Fee Paid.⁴⁰ A Lodge which permits the first degree to be conferred before a candidate has paid the amount required by the Constitutions subjects itself to forfeiture of its charter.⁴¹

【§1205】 (b) Invading Territorial Jurisdiction.⁴² Trespass upon territorial jurisdiction is a serious offense⁴³ and is committed when a Lodge invades the territory of a Lodge under dispensation in the interim between the return of the dispensation and the application to Grand Lodge for a warrant.⁴⁴

【§1206】 (c) On More than Five Candidates. It is an offense for a Lodge to confer a degree on more than five candidates without dispensation.⁴⁵

【§1207】 (d) On Persons Physically Disqualified.⁴⁶ Grand Lodge has arrested the charters of Lodges for initiations of candidates not possessing the required physical qualifications.⁴⁷

【§1208】 (e) Unworthy Material.⁴⁸ A Lodge which persists in accepting material which is grossly unworthy, after notice or with knowledge of its being such, or if the knowledge could with due inquiry have been obtained, is guilty of an offense for which its warrant ought to be arrested.⁴⁹

37. In the Matter of Rockaway Lodge, 1948 p. 103.

38. Conferring degrees, see *supra*, §§635-645.

39. Paige G. M., 1864 p. 25, Comp. 98, 100 (16), *approved* 1864 p. 164, Comp. 105.

40. Fee for degrees, see *supra*, §721 *et seq.*

41. Comm. Gen. R., 1857 p. 107-114, Comp. 32, 41 (40); In the Matter of Rockaway Lodge, 1948 p. 103 receiving payment in instalments prior to or after each degree.

42. Territorial jurisdiction, see *supra*, §§447-464.

43. Matter of Darcy Lodge, 1910 p.

543, Comp. 353; Zodiac Lodge, 1929 p. 151, Comp. 958.

44. Holmes G. M., 1867 p. 12, Comp. 115, 117 (v), *approved* 1867 p. 49, Comp. 118.

45. In the Matter of Rockaway Lodge, 1948 p. 103.

46. Physical qualifications, see *supra*, §498.

47. Add. Scudder G. M., 1909 p. 64, Comp. 246, 248.

48. Requisite qualifications, see *supra*, §§494-500.

49. Gibson G. M., 1869 p. 41, Comp. 131, 132; In the Matter of Rockaway Lodge, 1948 p. 103. petitioners who had denied belief in immortality.

[§1209] (f) **Within Prohibited Period.** A Lodge which initiates or advances a candidate in a prohibited period is guilty of an offense.⁵⁰

[§1210] (g) **Without Required Petition.** A Lodge is guilty of an offense if it initiates a candidate who has presented no petition for initiation⁵¹ or who has presented a petition which was not in the petitioner's own handwriting,⁵² in which some of the constitutional questions were not answered⁵³ or which did not bear the required certification and signature of a member of the Lodge.⁵⁴

[§1211] (U) **Unlawfully Receiving Petition.**—(1) **At Special Communication.** It is an offense for a Lodge to receive petitions at other than Stated Communications.⁵⁵

[§1212] (2) **Within Twelve Months of Rejection.** It is an offense for a Lodge to receive a petition for an initiation within twelve months of a rejection of the petitioner.⁵⁶

[§1213] (V) **Violating Own By-Laws.** A Lodge may be disciplined for a violation of its own by-laws.⁵⁷

[§1214] C. **Defenses**—1. **Acquittal by State Court.** Acquittal under an indictment charging a crime against the laws of the land, based upon acts on which is predicated a Masonic complaint, does not preclude a brother from being tried for the Masonic offense and, in a proper case, convicted.⁵⁸ The judgment of acquittal has no weight in a Masonic court.⁵⁹

[§1215] 2. **Advice of Lodge Member.** It is no excuse for a petitioner for initiation who has signed an untrue petition to allege that it was filled out under the direction of a member of the Lodge to whom he fully stated all the facts concerning a previous rejection. At most it makes the Lodge member equally guilty of the offense of misrepresentation.⁶⁰

50. *Matter of Carpenter*, 1910 p. 515, Comp. 314; In the *Matter of Rockaway Lodge*, 1948 p. 103.

Interval between degrees, see *supra*, §640.

51. In the *Matter of Rockaway Lodge*, 1948 p. 103.

52. In the *Matter of Rockaway Lodge*, 1948 p. 103.

53. Gibson G. M., 1869, p. 49, Comp. 131, petition for initiation; *Zodiac Lodge*, 1929 p. 151, Comp. 958; In the *Matter of Rockaway Lodge*, 1948 p. 103.

54. *Zodiac Lodge*, 1929 p. 151, Comp. 958; In the *Matter of Rockaway Lodge*, 1948 p. 103.

55. *Zodiac Lodge*, 1929 p. 151,

Comp. 958; In the *Matter of Rockaway Lodge*, 1948 p. 103.

56. In the *Matter of Rockaway Lodge*, 1948 p. 103.

57. In the *Matter of Rockaway Lodge*, 1948 p. 103, amending same at unsummoned communication and acting upon a notice of intention to propose without a petition.

58. Anthony G. M., 1881 p. 35, Comp. 211, 213 (5).

59. *Matter of Remsen Lodge No. 677*, 1914 p. 171, Comp. 658, 674.

60. *Matter of Abrams, Comms. App.*, 1892 p. 135-136, Comp. 226.

Improper recommendation an offense, see *supra*, §1166.

Duty of Master to initiate charges, see *supra*, §983.

[§1216] 3. Dismissal of Complaint by Grand Master. If the Grand Master dismisses a complaint as provided in the Code,⁶¹ his determination constitutes a complete defense to any future charges based upon the particular acts or neglects which were alleged in the complaint which was dismissed.⁶²

[§1217] 4. Failure to Read Petition. One who makes application and answers the appended questions over his own signature cannot be permitted to stultify himself and say he did not read what he signed. He was required to read and know what he subscribed and is held to a strict accountability for his misconduct. The pretended excuse, so far from exculpating, adds to the offense.⁶³

[§1218] 5. Former Jeopardy. The issues in a trial, once having been finally determined upon the merits, may not proceed to a new trial upon the same charges and specifications,⁶⁴ unless a new trial be granted on appeal.⁶⁵ This is not true where the charges have been dismissed because drawn loosely or without sufficient certainty.⁶⁶

[§1219] 6. Payment to Lodge of Fees from Candidate Unlawfully Initiated. Payment to a Lodge of the fees received as a result of invading its territorial jurisdiction will not excuse a Lodge from the penalties of such invasion.⁶⁷

[§1220] 7. Restitution. Restitution, before complaint was formally made, of moneys converted by the accused is a defense.⁶⁸

[§1221] 8. Sentence Suspended by State Court. That sentence was suspended following conviction by a competent court of law is no bar to a Masonic prosecution.⁶⁹

[§1222] D. The Complaint—1. Defined. The complaint is the allegation made to the Grand Master that an individual Mason or a Particular Lodge has been guilty of Masonic misconduct.⁷⁰

[§1223] 2. Necessity for Complaint. Except when charges are prepared by direction of the Grand Master of his own motion, a proceed-

61. Dismissal by Grand Master, see *infra*, §§1232-1233.

62. Code P., §28.

63. Gibson G. M., 1869 p. 41, Comp. 131, 132.

64. Lewis G. M., 1859 p. 28, Comp. 56, 59 (34); In the Matter of Hermann Lodge No. 268, 1932 p. 154, *approved* 1933 p. 178, Comp. 1078, 1079.

65. 1875 p. 231, Comp. 175, 176, *amending* Thorne G. M., 1875 p. 30, Comp. 163, 172 (49).

66. Holmes G. M., 1867 p. 22, Comp. 115, 116 (ii), *approved* 1867 p. 49, Comp. 118.

67. King G. M., 1862 p. 28, Comp. 74, 83 (63).

Territorial jurisdiction, see *supra*, §§447-464.

68. Kings County Lodge v. Stengel, 1914 p. 162, Comp. 646.

69. Matter of Piatt Lodge, 1911 p. 224, Comp. 502.

70. Code P., §21.

ing seeking the punishment of an individual Mason or a Particular Lodge through a Masonic trial is instituted by a complaint transmitted to the Grand Master.⁷¹

[§1224] 3. Who May Make Complaint. Any Mason in good standing may prefer a complaint against another Mason or against a Particular Lodge.⁷²

[§1225] 4. Contents of Complaint—*a. Rule Stated.* A complaint must be in writing, addressed to the Grand Master and signed by the brother making it, but no precise form is prescribed.⁷³

[§1226] *b. Must State Facts Claimed to Constitute Offense.* While no precise form is prescribed, a complaint should comprehensively, yet briefly and without needless repetition, state the time, place and circumstances of the acts or omissions complained of, so that the Grand Master may determine whether, if proven, they would constitute a Masonic offense.⁷⁴

[§1227] *c. Sources of Information and Belief in Truth.* Where the facts alleged in a complaint are not within the personal knowledge of the signer, he must state the sources of his information and attest his belief in their truth.⁷⁵

[§1228] *d. Must State Fact of Conviction by Court of Law.* When a complaint is made by the Master, or by his direction, against a brother who has been convicted of a felony by a court of law of competent jurisdiction, the fact of such conviction should be stated.⁷⁶

[§1229] E. Action by Grand Master on Receipt of Complaint—*1. May Be of Three Kinds—**a. Rule Stated—(I) Generally.* After a complaint has been received by the Grand Master, he may direct an attempt to adjust the matter without a prosecution or he may, in his absolute discretion, determine whether or not the same shall be prosecuted or dismissed.⁷⁷

[§1230] *(II) When Accused Committed as Insane.* If one charged with crime has been committed as insane, the Grand Master may file the complaint and determine when he is certified as having recovered whether he should be brought to Masonic trial.⁷⁸

71. Code P., §23.

72. Code P., §24.

73. Code P., §25.

74. Code P., §25.

Duty of Grand Master, see *infra*, §1229 *et seq.*

75. Code P., §25.

76. Consts., §405.

Actual practice has demonstrated that where the accused has been con-

victed in a court of law, it is well to annex a certified copy of the record of conviction and of the indictment or information on which such conviction was based.

Duty of Master to present, see *supra*, §983.

77. Code P., §26.

78. Matter of Naval Lodge, etc., 1950 p. 41, approved 1950 p. 83.

[§1231] b. **Determination Indorsed on Complaint.** According to the Grand Master's determination, he shall indorse the complaint "entertained" or "dismissed," followed by his signature and title.⁷⁹

[§1232] 2. **When Complaint Dismissed—**a. **Forwarded to Grand Secretary.** When the Grand Master has dismissed a complaint, he shall forward the same to the office of the Grand Secretary, where it shall be kept on file for a period of six years.⁸⁰

[§1233] b. **Grand Secretary to Notify Complainant.** When the Grand Master has dismissed a complaint and filed the same in the office of the Grand Secretary, the latter, with all convenient speed, shall notify the complaining brother of the Grand Master's determination.⁸¹

[§1234] 3. **When Complaint Entertained—**a. **Grand Master Appoints Trial Commission.** When the Grand Master has entertained a complaint, he shall appoint a Trial Commission.⁸²

[§1235] b. **Files Certificate of Appointment with Grand Secretary.** When the Grand Master has entertained a complaint and appointed a Trial Commission, he shall file the certificate of such appointment with the Grand Secretary.⁸³

[§1236] c. **Sends Notification of Appointment of Trial Commission and Complaint to Proctor.** When the Grand Master has entertained a complaint and appointed a Trial Commission, he shall send notification of such appointment, together with the complaint, to the Proctor.⁸⁴

[§1237] F. **The Trial Commission—**1. **Number and Qualifications.** A Trial Commission shall consist of not less than three or more than five disinterested brethren who have attained the rank of Master and are members in good standing of at least three different Lodges other than the accused Lodge or the Lodge of which the accused individual is or last was a member.⁸⁵

[§1238] 2. **Chairman.** The first Trial Commissioner named by the Grand Master in the certificate of appointment shall be the Chairman.⁸⁶

[§1239] 3. **Quorum.** A majority of the Trial Commission shall constitute a quorum.⁸⁷

79. Code P., §26.

80. Code P., §27.

81. Code P., §27.

82. Code P., §29.

83. Code P., §29.

84. Code P., §30.

85. Code P., §31.

When seven were improvidently ap-

pointed, it was held that the appointing power might, before the trial had commenced, reduce the number to three and notify again. Gibson G. M., 1869 p. 45, Comp. 136, 137.

86. Code P., §31.

87. Code P., §31; Gibson G. M., 1869 p. 45, Comp. 136, 137.

[§1240] 4. **Employing Stenographer and Clerk.** The Trial Commission may employ a Master Mason as stenographer, who shall also act as clerk.⁸⁸

[§1241] G. **The Charges—1. Defined.** The charges are the formal allegation of the commission of some designated Masonic offense and of the facts and circumstances tending to support such allegation.⁸⁹

[§1242] 2. **Charges Are Prepared by Proctor.** As soon as conveniently may be after the receipt of a complaint which has been ascertained by the Grand Master, it shall be the duty of the Proctor to prepare charges against the accused predicated upon the allegations of the complaint.⁹⁰

[§1243] 3. **Requisites of Charges—**a. **How Entitled.** The accused is entitled to know who is his accuser⁹¹ and the Masonic trial is prosecuted in the name of the brother preferring the charges, called the complainant, against the individual or Particular Lodge, called the accused.⁹²

The charges shall be entitled: In the matter of Charges preferred by (naming the complainant) against (naming the accused).⁹³

[§1244] b. **Necessary Allegations in Charges—**(I) **Rule Stated.** The charges may properly be framed in the language of the Constitutions⁹⁴ or in close accord with the scientific rules of pleading,⁹⁵ but are sufficient if the accused is advised of that with which he is charged with sufficient exactness to enable him to prepare for his defense.⁹⁶

[§1245] (II) **Charges Must Allege Facts Which Constitute an Offense.** The charges must, of course, allege facts which, if proven, would constitute a Masonic offense.⁹⁷ Hence a charge is insufficient which recites merely that the accused has been convicted of a civil offense without alleging the acts or omissions of the accused upon which such conviction was had.⁹⁸

88. Code P., §84.

89. Code P., §22.

90. Code P., §32.

91. Simons G. M., 1861, p. 18, Comp.

64 (2): Crane G. M., 1863 p. 18, Comp.

90, 92 (15), approved 1863 p. 173.

Comp. 94, 95; Comms. App., 1877 p.

46, Comp. 185, 187.

92. Code P., §20.

93. Code P., §33.

94. Maimonides Lodge No. 743,

1925 p. 175, Comp. 882, 883, approved

1925 p. 175, Comp. 882.

Constitutions construed, see *supra*,

§-5.

95. Burnier v. Cram, 1911 p. 395,

Comp. 267, 269.

96. Burnier v. Cram, 1911 p. 395,

Comp. 267, 269.

Charges were too indefinite which failed to state the time when, place where or person to whom the language complained of was uttered (1860 pp. 168-169, Comp. 63), or the date or place other than the name of the village (Matter of Roosa, Comms. App., 1889 p. 150, Comp. 225).

97. Paige G. M., 1865 p. 24, Comp. 106 (6), approved 1865 p. 195, Comp. 108; Matter of Graves, Comms. App., 1883 p. 102, Comp. 220; Matter of Light, Comms. App., 1884 p. 112, Comp. 221; Golden Rule Lodge No. 770, 1912 p. 274, Comp. 567.

98. Re Effect, etc., 1941 p. 126, approved 1942 p. 114, 117, Comp. 1184, 1186.

[§1246] c. Attaching or Setting Forth Document. Where the charge is based on the circulation of a document, the document should be attached to the charges or sufficiently set forth therein.⁹⁹

[§1247] d. Charges Must Be Signed by Proctor. The charges shall be signed by the Proctor.¹

[§1248] 4. Joinder of Offenses. If the complaint alleges acts or neglects on the part of the accused which constitute different offenses, or different manners of committing a single offense, these may be joined in one instrument which shall describe the separate offenses as Charge I, Charge II, etc., and the different acts constituting the same offense as Specification I, Specification II, etc.,² but joining a Masonic offense and one not Masonic has been held to be a fatal error.³

In case of proper joinder, the accused may be acquitted of any alleged offense of which he is not proven guilty beyond a reasonable doubt and convicted of any charge constituting a Masonic offense embraced in the charges, of which the evidence shows him guilty beyond a reasonable doubt.⁴

[§1249] 5. Amendment of Charges. The charges may be amended so that the offense is properly alleged⁵ and this may be done before the Commission, either on motion of the complainant or by the Commissioners of their own volition.⁶

[§1250] H. Notice of Charges—1. Necessity For. Promptly after the preparation of the charges, the Proctor shall cause a copy of the same, together with a notice, to be served on the accused in a specified manner,⁷ but the accused may bring himself within the jurisdiction of the Masonic court by appearance, general pleading or waiver.⁸

99. Matter of Wade, Comms. App., 1896 p. 199, Comp. 231.

1. Code P., §33.

2. Code P., §33.

3. Matter of Brittenpool, Comms. App., 1883 p. 95, Comp. 220.

4. Matter of Remsen Lodge No. 677, 1914 p. 171, Comp. 658, 663-664.

5. Matter of Wade, Comms. App., 1896 p. 199, Comp. 231, by annexing or setting forth a document the circulation of which was the ground of the charges.

6. Holmes G. M., 1867 p. 22, Comp. 115, 116 (ii), approved 1867 p. 49, Comp. 118, to make them conform to

facts where there were clerical errors or errors in dates.

7. Code P., §34

Manner of service, see *infra*, §§1119, 1120.

Failure of the copy to include the signature of the complainant which was required by the old Code was held to be a technical irregularity not prejudicial to the accused. Marx v. Kalmus, 1916 p. 152, Comp. 747, 751.

8. Crowe v. Behler, 1931 p. 142, Comp. 1026, approved 1931 p. 217, Comp. 1049; Rondout Lodge v. Roberts, 1921 p. 142, Comp. 852, 855.

[§1251] 2. Contents of Notice. The notice which is served with a copy of the charges shall contain the name, address and Lodge membership of each of the Trial Commissioners appointed to pass upon the same and a statement that if the accused shall fail to answer the charges prior to a date therein specified he will be deemed to have admitted the commission of the offense as charged.⁹

[§1252] 3. Manner of Serving Notice—*a. On Individual—*(I) By Personal Delivery. The charges and notice may be served upon an accused individual by delivering a copy of the same to him personally.¹⁰

[§1253] (II) By Mail. If the accused be an individual, the charges and notice may also be served upon him by depositing the same in a properly enclosed postpaid wrapper in a post office or in any mail box regularly maintained by the government of the United States, directed to him at the last address known by, or brought to the attention of, the Proctor or, if no later address shall have been brought to his attention, to the address of accused as it appears on the books of the Lodge of which he is or last was a member.¹¹

[§1254] *b. On Lodge.* If the accused be a Lodge, the charges and notice may be served on the Master or Secretary in either of the two ways provided for the service of charges upon an individual.¹²

[§1255] 4. Who May Serve Notice. Any person over the age of twenty-one years, other than the complainant, may make service upon the accused, but, so far as may be, service should be by a Master Mason.¹³

[§1256] 5. Proof of Service of Notice—*a. By a Master Mason—*(I) Rule Stated. If the charges and notice are served by a Master Mason, proof of such service may be by the certificate of the brother effecting it.¹⁴

[§1257] (II) Form of Certificate of Service. A certificate in proof of service of the charges and notice must detail the time, place and manner of such service¹⁵ and may be in substantially the following form:

(Caption copied from charges)

I, *Julius L. Birgenthal*, a member of *Fortitude Lodge, No. 19*,

9. Code P., §34.

Time for accused to answer, see
infra, §§1261-1267.

10. Code P., §35.

11. Code P., §35.

12. Code P., §35.

13. Code P., §36.

14. Code P., §37.

15. Code P., §37.

F. & A. M., do hereby certify that on the 5th day of January 1951 I served the within Charges and Notice on (*naming accused as in the caption*) by [delivering true copies thereof to him personally, at 4.30 o'clock in the afternoon of said day, at (*stating the place of delivery*)].¹⁶

Dated: January 5, 1951.

Julius L. Birgenthal

[§1258] b. By a Profane—(I) Rule Stated. If the charges and notice are served by one who is not a Master Mason, proof of such service must be by the affidavit of the person effecting it.¹⁷

[§1259] (II) Form of Affidavit of Service. An affidavit in proof of service of charges and notice upon an accused must detail the time, place and manner of such service¹⁸ and may be in substantially the following form:

(Caption copied from charges)

State of *New York* }
County of *Kings* } ss.

John Service, being duly sworn, deposes and says:

On the 5th day of January 1951 I served the within Charges and Notice on (*naming accused as in the caption*) by delivering true copies thereof to him personally, at 6 o'clock in the evening of said day, at (*stating the place of delivery*).

John Service

Sworn to before me this
5th day of January 1951
(Signature of Notary)

[§1260] I. The Answer—1. Necessity For. When the charges and notice have been served upon the accused personally, or when he has been served by registered mail and a registry return receipt signed by him or by someone on his behalf has been received, failure to answer within the time specified in the notice shall be deemed an

16. If the service be by mail substitute for matter between [] the following:

"Depositing true copies thereof in a properly enclosed postpaid wrapper (bearing indorsement "Return Receipt Requested Registered No. 256 Registered Mail," receipt for same attached) in the post office maintained by the government of the United

States at *Brooklyn*, *New York*, addressed as follows: (*give address as on envelope*) and that the said address set forth on said wrapper is the postoffice address of the said (*naming accused as on the wrapper*) given to me by (*giving name*) on the 4th day of January, 1951."

17. Code P., §37.

18. Code P., §37.

admission of the truth of the charges.¹⁹ This is not true, however, if he was not served personally and no registry return receipt has been received.²⁰

[§1261] 2. Time Within Which Accused Must Answer—*a. General Statement.* The time within which the accused must answer depends upon the place and manner in which the charges and notice were served on him. The different rules will be considered in the next six sections.

[§1262] *b. When Charges and Notice Served Personally—(I) In New York or Adjoining State.* If the charges and notice have been served by personal delivery to the accused within the State of New York or an adjoining state, he must answer in twenty days.²¹

[§1263] *(II) In Other States.* If the charges and notice have been served by personal delivery to the accused within any of the states of the United States other than New York or an adjoining state, he must answer in thirty days.²²

[§1264] *(III) In Any Other Place.* If the charges and notice have been served by personal delivery to the accused within Alaska, the Canal Zone, Hawaii, Porto Rico or any other place than those specified in the two preceding sections, he must answer in sixty days.²³

[§1265] *c. When Charges and Notice Served by Mail—(I) In New York or Adjoining State.* If the charges have been served on the accused by mail addressed to him at a place within the State of New York or an adjoining state, he must answer in thirty days.²⁴

[§1266] *(II) In Other States.* If the charges have been served on the accused by mail addressed to him at a place within any of the states of the United States other than New York or an adjoining state, he must answer in forty days.²⁵

[§1267] *(III) In Any Other Place.* If the charges have been served on the accused by mail addressed to him at a place within Alaska, the Canal Zone, Hawaii, Porto Rico or any other place than those specified in the two preceding sections, he must answer in ninety days.²⁶

[§1268] 3. Requisites of Answer—*a. Must Be in Writing and in Duplicate.* The answer must be in writing and in duplicate.²⁷

19. Code P., §38.

20. Code P., §81. See also *infra*, §1321 *et seq.*

21. Code P., §40 (a).

22. Code P., §40 (a).

23. Code P., §40 (a).

24. Code P., §40 (b).

25. Code P., §40 (b).

26. Code P., §40 (b).

27. Code P., §38.

[§1269] b. Answer Should be Signed by Accused. While the Code of Procedure does not specifically require that the answer shall be signed by the accused, it would seem to be the better practice to have it so signed in view of the provision for the complainant's acceptance as true of his allegations by way of exculpation or mitigation.²⁸

[§1270] 4. Permissible Forms of Answer—a. General Statement. The Code of Procedure provides four permissible forms of answer which will be considered in the next four sections.

[§1271] b. Admission—(I) Without Qualification. An answer may admit, without qualification, any charge or charges or any specification thereof.²⁹ An answer admitting conviction of the same offense in a criminal court is sufficient to sustain judgment.³⁰

[§1272] (II) With Exculpatory Statement or Explanation. The answer may admit any charge or charges or any specification thereof adding an exculpatory statement or explanation.³¹ Such an answer may be substantially as follows:

(Caption copied from charges)

The above named accused, answering the charges herein, admits the facts alleged in the specifications.

By way of Exculpation (or Explanation), he alleges:

(Setting forth in numbered paragraphs facts alleged by way of exculpation or explanation.)

(Signed by accused)

[§1273] (III) With Plea in Mitigation of Punishment. The answer may admit any charge or charges or any specification thereof adding a plea in mitigation of punishment.³² Such an answer may be substantially as follows:

(Caption copied from charges)

The above-named accused, answering the charges herein, admits the facts alleged in the specifications.

By way of Mitigation of Punishment, he alleges:

(Setting forth in numbered paragraphs facts alleged by way of mitigation of punishment.)

(Signed by accused)

28. Effect of such acceptance, see *infra*, §§1386-1388.

29. Code P., §39 (c).

30. Matter of McNaughton,

Commrs. App., 1890 p. 163, Comp. 226.

31. Code P., §39 (b).

32. Code P., §39 (c).

[\$1274] c. Denial. The answer may be a general denial to the charge or charges or to any specification thereof.³³

[\$1275] 5. Upon Whom Answer Served. The accused must serve his original answer, together with a copy of same, upon the Proctor.³⁴

[\$1276] J. Challenge to Trial Commissioner—1. Right To—a. General Rule. In any case in which, within the time specified in the notice,³⁵ the accused shall make and serve an answer to the charges, he may challenge one or more of the Trial Commissioners for bias, actual or implied, including consanguinity, affinity or association in business or otherwise.³⁶ This is not an absolute right, however, but a qualified one limited by a method designed to maintain an orderly procedure and to prevent undue delay and hindrance in the progress and completion of the trial.³⁷

[\$1277] b. Substituted Commissioner. The accused may challenge a substituted Trial Commissioner provided such challenge is received by the Proctor within a specified number of days after the mailing to the accused of notice of the substitution.³⁸ This time varies with the mailing address of the accused.³⁹

[\$1278] 2. Who May Challenge. The right to challenge a Trial Commissioner is limited to the accused.⁴⁰

[\$1279] 3. When Challenge to Trial Commissioner Made—a. General Rule. A challenge to a Trial Commissioner may not be made until the accused has served his answer to the charges.⁴¹

[\$1280] b. In Case of Substituted Commissioner. A challenge to a substituted Trial Commissioner must be received by the Proctor within ten days after his mailing the notice of substitution if the address of the accused is within the State of New York or an adjoining state; within twenty days if it is elsewhere in the United States, exclusive of Alaska, the Canal Zone, Hawaii and Porto Rico; or within forty-five days if it is in any other place.⁴²

[\$1281] 4. Challenge to Trial Commissioner How Made—a. Must Be in Writing. A challenge to a Trial Commissioner must be in writing.⁴³

[\$1282] b. Must State Facts Showing Bias. A challenge to a Trial Commissioner must state the facts upon which the allegation of bias is predicated.⁴⁴

33. Code P., §39 (a).

34. Code P., §38.

35. Time within which to answer, see *supra*, §§1261-1267.

36. Code P., §41.

37. *Tunison v. Miller*, 1927 p. 163, Comp. 894, 896, approved 1927 p. 162, Comp. 893.

38. Code P., §46.

39. See *infra*, §1280.

40. Code P., §41.

41. Code P., §41.

42. Code P., §46.

43. Code P., §42.

44. Code P., §42.

[§1283] c. **Facts Must Be Certified by Accused as True.** The accused must certify to be true the facts which he states in his challenge as the basis of his allegation of bias.⁴⁵

[§1284] 5. **Form of Challenge to Trial Commissioner.** A challenge to a Trial Commissioner may be in the following form:

(Caption copied from charges)

The above-named accused, having made and served his answer to the charges herein, hereby challenges *John Marshall*, one of the Commissioners appointed to hear, try and determine the same, on the ground that *(stating facts upon which the allegation of bias is predicated)* and certifies that the facts above stated are true.

(Signed by accused)

[§1285] 6. **To Whom Challenge Sent.** A challenge to a Trial Commissioner should be sent to the Proctor, who shall furnish a copy thereof to the commissioner against whom it is directed.⁴⁶

[§1286] 7. **Reply of Challenged Commissioner.** The commissioner against whom a challenge is directed shall forward his reply thereto to the Proctor.⁴⁷

[§1287] 8. **Determination of Challenge—**a. **Prerogative of Grand Master.** The Grand Master, in his absolute discretion, may sustain or overrule a challenge to a Trial Commissioner.⁴⁸

[§1288] b. **Effect of Challenge—(I) If Overruled.** If the Grand Master overrules a challenge to a Trial Commissioner, the effect shall be as if no challenge had been interposed.⁴⁹

[§1289] (II) **If Challenge Sustained—(A) Substitute Commissioner Appointed.** If the Grand Master sustains a challenge to a Trial Commissioner, he shall name a substitute commissioner and notify the Proctor of such appointment.⁵⁰

[§1290] (B) **Proctor to Notify Accused.** Upon receipt of notice of the appointment of a substitute Trial Commissioner, the Proctor shall, by ordinary mail, notify the accused of such appointment.⁵¹

[§1291] K. **Commission to Take Testimony—1. How Secured—**a. **By Stipulation—(I) Rule Stated.** If either party desire the testimony of a witness who resides at a distance from the place of trial, the Proctor and the accused (either in person or by his attorney) may stipulate that such testimony be taken by commission.⁵²

45. Code P., §42.

46. Code P., §43.

47. Code P., §43.

48. Code P., §44.

49. Code P., §44.

50. Code P., §44.

51. Code P., §45.

52. Code P., §60.

[\$1292] (II) Form of Stipulation. A stipulation for the taking of testimony by commission may be in the following form:

(Caption copied from charges)

IT IS HEREBY STIPULATED AND AGREED that the testimony of *Richard Fenn*, witness for the *accused*, who resides at *100 State Street, Albany, N. Y.*, a distance from the place of trial, may be taken before *W. John Master*, Master of *Hearty Lodge No. 1900*, upon certain interrogatories and cross-interrogatories proposed respectively by the accused and the complainant and settled by consent of the parties.

Dated *April 15, 1951*.

(Signed by accused in person or by his attorney and by the Proctor)

[\$1293] b. On Application to Chairman of Trial Commission—(I) Rule Stated. Where one party desires to procure the testimony of a witness residing at a distance from the place of trial and the parties do not agree to the issuance of such commission, he may apply to the Chairman of the Trial Commission,⁵³ who, if he shall determine that the application is made in good faith and that the testimony sought to be taken is material to the applicant, shall issue a commission directing and empowering a designated brother to act as Examiner.⁵⁴

[\$1294] (II) Form of Application for Commission. The application for a commission may be in the following form.

(Caption copied from charges)

The undersigned *John Doe* is the *accused* above named.

The testimony of *Richard Fenn* is material to him in that the said *Richard Fenn* can testify *(state in sufficient detail to show materiality)*.

The said *Richard Fenn* resides at *100 State Street, Albany, N. Y.*, a distance from the place of trial designated herein.

Wherefore he prays that a commission issue to *W. John Master*, Master of *Hearty Lodge, No. 1900*, to take the testimony of said *Richard Fenn* on interrogatories [which are submitted herewith for settlement.]⁵⁵

Dated *April 15, 1951*.

(Signed by accused in person or by Proctor)

To:

R. W. John Marshall
Chairman of Trial Commission

53. Code P., §60.

54. Code P., §61.

55. If the interrogatories are not submitted with the application, substi-

tute for the words in [] the following: "to be submitted for settlement at such time as shall be appointed by you."

[§1295] (III) Notice to Adverse Party—(A) Required. When the parties have not agreed to the issuance of a commission to take testimony, an application to the Chairman of the Trial Commission must be upon at least five days' notice to the adverse party of the applicant's intention to make such application.⁶⁶

[§1296] (B) Form of Notice. Notice of application for a commission to take testimony may be in the following form:

(Caption copied from charges)

TAKE NOTICE that on the petition of *John Doe*, a copy of which is annexed, application will be made to *R. W. John Marshall*, Chairman of the Trial Commission appointed for the trial of the above Charges, on the 20th day of *April 1951* at 4 o'clock P. M., at his office at *100 Broadway, New York City*, for a Commission to *W. John Master*, Master of *Hearty Lodge*, No. 1900, to examine *Richard Fenn*, who resides at *100 State Street, Albany, N. Y.*, a distance from the place of trial, as a witness on behalf of the accused.

Dated *April 15, 1951*.

(Signed by applicant in person or by his attorney)

To:

(Name adverse party)

[§1297] (IV) Form of Order Granting Commission to Take Testimony. An order on notice granting a commission to take testimony may be in substantially the following form:

(Caption copied from charges)

John Doe, the above-named accused, having duly applied for a commission to *W. John Hearty*, Master of *Standard Lodge*, No. 1900, to take the testimony of *Richard Fenn*, who resides at *100 State Street, Albany, New York*, and said application having come on to be heard,

Now, on reading and filing the notice of application dated the 15th day of *April 1951* and the petition of said *John Doe*, with proof of service thereof and after hearing both parties, it is

ORDERED that the said application is hereby granted and that a commission to take the testimony of said *Richard Fenn* upon interrogatories and cross-interrogatories to be thereunto annexed be issued to said *W. John Hearty*.

Dated *April 30, 1951*.

John Marshall
Chairman Trial Commission

[§1298] 2. Interrogatories and Cross-Interrogatories—*a.* Form—
(I) Of Interrogatories. Interrogatories may be in the following form:

(Caption copied from charges)

Interrogatories to be proposed to *Richard Fenn*, a witness to be examined on Commission annexed:

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

Second Interrogatory—Are you acquainted with *John Doe* named in the annexed Commission? If so, for how long a time?

Third Interrogatory—Were you at *Freetown* on the first day of *April 1951* and, if so, did you see said *John Doe* there?

Fourth Interrogatory—What was the state of his health at that time? 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 of anything concerning the matters at issue in this proceeding that may tend to the advantage of the *accused* (or *complainant*, as the case may be)? If Yes, state the same as fully and at length as if you had been particularly interrogated concerning the same.⁵⁷

John Doe

[§1299] (II) Of Cross-Interrogatories. Cross-interrogatories may be in the following form:

(Caption copied from charges)

Cross-interrogatories to be proposed to *Richard Fenn*, a witness to be examined on commission annexed:

First Cross-interrogatory—Do you know what caused the ill health of *John Doe*? If so, state fully the fact and the cause.

(And so on, numbering each separate cross-interrogatory or question by itself.)

Lastly—Do you know of anything concerning the matters at issue in this proceeding that may tend to the advantage of the *complainant* (or *accused*, as the case may be)? If Yes, state the same as fully and at length as if you had been particularly interrogated concerning the same.⁵⁸

Richard Roe

[§1300] *b.* Settlement of Interrogatories—(I) When Proposed Interrogatories to be Submitted. Proposed interrogatories and cross-interrogatories shall be submitted at the time of applying for a com-

57. Mandatory Question. — The question beginning with the word "Lastly" must be the concluding ques-

tion in interrogatories and cross-interrogatories alike. Code P., §63.

58. See preceding note.

mission, whether on stipulation or upon notice, or at such other time as shall be agreed upon or appointed by the Chairman of the Trial Commission.⁵⁹

[§1301] (II) To Whom Proposed Interrogatories Submitted. The proposed interrogatories and cross-interrogatories shall be submitted to the Chairman of the Trial Commission for settlement.⁶⁰

[§1302] (III) Form of Settlement of Interrogatories. The settlement of interrogatories and cross-interrogatories shall be noted on each in writing⁶¹ and such note may be in the following form:

The within *interrogatories* (or *cross-interrogatories*) are hereby allowed and ordered annexed to the Commission.

Dated *April 15, 1951.*

John Marshall

Chairman of Trial Commission

[§1303] c. To Whom Settled Interrogatories Transmitted. When the interrogatories and cross-interrogatories shall have been settled they shall be delivered to the Proctor.⁶²

[§1304] 3. The Commission to Take Testimony—a. To Whom Issued. The commission to take the testimony of a witness shall be issued to the Master of a Lodge convenient to the residence of the witness to be examined.⁶³

[§1305] b. Form of Commission to Take Testimony. A commission to take testimony may be in the following form:

(Caption copied from charges)

YOU ARE HEREBY APPOINTED Examiner in the above-entitled proceeding to take the testimony of Bro. *Richard Fenn*, who resides at *100 State Street, Albany, N. Y.*, at such time and place as you may appoint, upon the annexed interrogatories and cross-interrogatories, and reduce his answers thereto to writing, to be subscribed by him at the end thereof and certified by you, and return the same, together with this commission and the copy of the charges and answers, to the Chairman of the Trial Commission, acting with all convenient speed.

Dated *April 26, 1951.*

John Marshall, Chairman
Office & P. O. Address
100 Broadway
New York City

To:

W. John Master
Master of *Hearty* Lodge, No. 1900

59. Code P., §62.

60. Code P., §62.

61. Code P., §62.

62. Code P., §64.

63. Code P., §61.

Formerly it might be issued to such a Master or "to any other suitable person." Gibson G. M., 1870 p. 44, Comp. 150, 151.

[§1306] c. How Commission to Take Testimony Executed—(I) Papers Sent to Examiner by Proctor. When the interrogatories and cross-interrogatories shall have been settled as described in preceding sections⁶⁴ and with the commission shall have been delivered to the Proctor,⁶⁵ he shall transmit them to the Examiner named in the commission, together with a copy of the charges and answer.⁶⁶

[§1307] (II) Duties and Powers of Examiner—(A) Must Fix Time and Place for Examination. Upon receipt of the commission to take testimony, the Examiner shall fix a time and place for the taking of the testimony of the witness or witnesses named in the commission.⁶⁷

[§1308] (B) May Compel Attendance of Witness. The attendance of a witness at the time and place fixed by the Examiner for taking his testimony shall be compelled, if necessary, by a summons issued and served as prescribed for securing the attendance of a witness before a Trial Commission,⁶⁸ except that such summons may be signed either by the Chairman of the Trial Commission or by the Examiner.⁶⁹

[§1309] (C) Must Note Objection to Form of Question. Any objection to the form of a question must be noted on the deposition or it will be waived.⁷⁰

[§1310] (D) Must Take Down Answers—(1) Rule Stated. The Examiner shall read to the witness the several interrogatories and cross-interrogatories addressed to him and shall take down in writing the answers thereto in the language of such witness and shall cause the witness to sign his name at the end of his deposition.⁷¹

[§1311] (2) Form of Answers to Interrogatories. Answers to interrogatories may be in the following form:

Examination of *Richard Fenn*, a witness produced before me in the matter of the annexed charges against *John Doe*, taken at *Asharokan Village* on the *27th* day of *April 1951*, who testified as a Master Mason as follows:

To the first interrogatory the said *Richard Fenn* says: I know *John Doe* and have been acquainted with him for over ten years. (*And so on, giving the answers in full to each interrogatory.*)

Lastly—The said *Richard Fenn* says in answer thereto: *I do not.*

To the first cross-interrogatory, the said *Richard Fenn* says: (*And proceed as on the interrogatories, adding a reply to "Lastly."*)
Richard Fenn

64. See *supra*, §§1298-1303.

65. See *supra*, §1303.

66. Code P., §64.

67. Code P., §65.

68. See *infra*, §§1366-1371.

69. Code P., §66.

70. Code P., §69.

71. Code P., §67.

[§1312] (E) **Must Return Certified Papers to Chairman of Trial Commission**—(1) **Rule Stated.** When the Examiner shall have finished the taking of the testimony of the witness named in the commission, he shall certify the same and return the commission and deposition, together with the copy of the charges and answer, to the Chairman of the Trial Commission.⁷²

[§1313] (2) **Form of Examiner's Certificate.** The certificate of the Examiner may be in the following form:

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

Dated *Asharokan Village, April 27, 1951.*

John Master, Examiner.

[§1314] 4. **Use and Effect of Deposition**—a. **General Rule.** The deposition of a witness examined under a commission to take his testimony may, in his absence, be read by either party and shall be given the same effect, and no other, as the oral testimony of the witness would have.⁷³

[§1315] b. **Objection**—(I) **To Competency of Witness.** When either party offers to read the deposition of a witness examined under a commission to take his testimony, any objection to the competency of the witness may be made as if the witness were being examined personally.⁷⁴

[§1316] (II) **To Question and Answer.** When the deposition of a witness examined under a commission to take his testimony is read in evidence, any objection to a question or answer, except only as to the form of a question, may be made as if the witness were being examined personally.⁷⁵

[§1317] L. **Proceedings When Accused Fails to Answer**—1. **After Personal Service or Receipt of Registered Mail**—a. **Duty of Proctor.** If, after the charges and required notice⁷⁶ shall have been served upon the accused personally,⁷⁷ or shall have been served upon him by registered mail⁷⁸ and a registry return receipt signed by him or by some other person in his behalf shall have been received, the accused fail to answer, the Proctor shall notify the Chairman of the Trial Commission.⁷⁹

72. Code P., §67.

73. Code P., §69.

74. Code P., §69.

75. Code P., §69.

Objection to form of question, see *supra*, §1309.

76. Necessity for notice, see *supra*, §1250.

77. Personal service, see *supra*, §1252.

78. Service by mail, see *supra*, §1253.

79. Code P., §80.

[§1318] b. Duty of Chairman—(I) To Fix Time and Place for Commission to Meet. Upon receipt of the notice described in the previous section, the Chairman of the Trial Commission shall fix a convenient time and place for the Trial Commission to meet.⁸⁰

[§1319] (II) To Notify Proctor Thereof. Since the Proctor is entitled to be heard at the meeting of the Trial Commission,⁸¹ the Chairman should give him timely notice of the time and place fixed for the meeting unless the Proctor shall have waived notice thereof.

[§1320] c. Duty of Trial Commission. Under the circumstances considered in the three preceding sections, the Trial Commission meets solely for the purpose of fixing the penalty, if any, to be imposed,⁸² this being fixed by a majority of the Trial Commissioners.⁸³

[§1321] 2. When Accused Not Served Personally or by Registered Mail for which Receipt Returned—a. Duty of Proctor—(I) To Notify Chairman. If the charges and required notice⁸⁴ shall not have been served upon the accused personally,⁸⁵ or if, having been served by mail, no registry return receipt signed by him or by some other person in his behalf shall have been received,⁸⁶ he shall fail to answer, the Proctor shall notify the Chairman of the Trial Commission.⁸⁷

[§1322] (II) To Notify Counsel for Accused. The Chairman of the Trial Commission under the circumstances considered in the preceding section having fixed the time and place of trial⁸⁸ and designated someone to act as counsel for the accused,⁸⁹ it is the duty of the Proctor to furnish such designated counsel with a copy of the charges together with notice of the time and place of trial.⁹⁰

[§1323] b. Duty of Chairman—(1) To Fix Time and Place of Trial. Upon the receipt from the Proctor of the notice discussed above,⁹¹ it is the duty of the Chairman of the Trial Commission to fix a convenient time and place for trial.⁹²

[§1324] (II) To Designate Counsel for Accused. It is also the duty of the Chairman of the Trial Commission, upon his receipt from the Proctor considered above,⁹³ to designate some qualified brother to act as counsel for the accused.⁹⁴

80. Code P., §80.

81. Code P., §80.

82. Code P., §80.

Penalties impossible, see *infra*, §§1390-1405.

Filing decision and notice thereof, see *infra*, §§1420-1425.

83. Code P., §103.

84. Necessity for notice, see *supra*, §1250.

85. Personal service, see *supra*, §1252.

86. Service by mail, see *supra*, §1253.

87. Code P., §81.

88. See *infra*, §1329.

89. See *infra*, §1324.

90. Code P., §81.

91. See *supra*, §1321.

92. Code P., §81.

93. See *supra*, §1321.

94. Code P., §81.

[§1325] c. Duty of Trial Commission. Under the circumstances discussed in the four preceding sections, the trial proceeds as though a general denial had been interposed,⁹⁵ the Trial Commission, by a majority vote, determining the guilt or innocence of the accused and fixing the penalty, if any, to be imposed.⁹⁶

[§1326] M. Proceedings When Accused Denies Charges—1. Duty of Proctor—a. To Send Copy of Charges and Answer to Each Commissioner. Upon receipt of an answer in which the accused shall have denied the charges, either in whole or in part, it is the duty of the Proctor to deliver to each member of the Trial Commission a copy of the charges and answer.⁹⁷

[§1327] b. To Serve Accused with Notice of Trial—(1) Rule Stated. The Chairman of the Trial Commission under the circumstances considered in the preceding section having fixed the time and place of trial,⁹⁸ it is the duty of the Proctor to give the accused notice thereof.⁹⁹

[§1328] (II) Manner and Time of Service. Notice of trial may be given by ordinary mail at least ten days prior to the date set if addressed to a locality in the State of New York or in an adjoining state and at least twenty days prior thereto if addressed elsewhere.¹

[§1329] 2. Duty of Chairman—a. To Fix Time and Place of Trial. Upon receipt from the Proctor of a copy of the charges and notice as described above,² it is the duty of the Chairman of the Trial Commission to fix a convenient time and place for the trial.³ The place must be reasonable as to location for convenience of the parties and witnesses.⁴

[§1330] b. To Notify Proctor Thereof. Since the Proctor is required to serve the accused with notice of trial,⁵ the Chairman of the Trial Commission should give him timely notice of the time and place fixed for same.

[§1331] 3. The Trial—a. Conduct of Generally. So far as may be consistent with the primary purposes of Masonic discipline,⁶ the trial should be conducted in accordance with the practice established and recognized in courts of law of the State of New York, but all un-

95. Code P., §81.

Proceedings when accused denies charges, see *infra*, §§1326-1385.

96. Code P., §101.

97. Code P., §83.

98. See *infra*, §1329.

99. Code P., §83.

1. Code P., §83.

2. See *supra*, §1326.

3. Code P., §83.

4. Gibson G. M., 1869 p. 45, Comp. 136.

5. Code P., §83.

6. Primary purpose of Masonic discipline, see *supra*, §1106.

necessary formalities tending to retard and complicate the administration of justice are in contravention of the established principles of the Craft.⁷

[§1332] b. Adjournments. While the presence of all the Trial Commissioners is not necessary,⁸ the trial may be adjourned if, for any reason, a Trial Commissioner cannot attend a meeting at the appointed time.⁹ It may also be adjourned if, for good reason, the accused is not present,¹⁰ because of the absence of a necessary witness,¹¹ or if, after permitting an amendment of the charges, the accused claim surprise,¹² but a brother against whom charges of unmasonic conduct have been preferred and who has been indicted by the Civil Courts is not entitled, as a matter of right, to have a Masonic trial upon charges arising out of the same state of facts upon which the indictment is based postponed until after the trial of the indictment.¹³ Pending an appeal from a judgment of a court of law which establishes the commission of an offense by the accused, the Grand Master may, in his discretion, stay a Masonic trial based on the same offense without prejudice to proceedings theretofore had.¹⁴

If granted in any case, an adjournment may not be made *sine die* but must be to a time and place fixed by the Trial Commission.¹⁵

[§1333] c. Counsel—(I) Right To—(A) Of Complainant. The complainant in all cases shall be represented by the Proctor or by such substitute as the latter may select.¹⁶

[§1334] (B) Of Accused. While the accused may defend in person, he may be represented, at his own expense, by any Master Mason in good standing.¹⁷

7. Comm. J. & Cond. M., 1868 p. 44, Comp. 121, 122 (ii).

8. See *infra*, §1359.

9. Barry v. Kiroach, 1917 p. 224, Comp. 801, 802, *approved* 1917 p. 221, Comp. 797.

10. Matter of Brunell, Comm. on App., 1871 p. 171, Comp. 159.

Where a brother disappeared after he was indicted for forgery and was subsequently unaffiliated, it was ruled that neither his absence or unaffiliation operated as a stay of proceedings. Matter of Courtlandt Lodge, 1911 p. 259, Comp. 553.

11. Gibson G. M., 1869 p. 46, Comp. 138; Gibson G. M., 1870 p. 44, Comp. 150, 151.

12. Holmes G. M., 1867 p. 22, Comp.

115, 116 (ii), *approved* 1867 p. 49, Comp. 118.

13. While within the discretion of the Trial Commission, it may be their Masonic duty to proceed promptly to discover the facts, irrespective of consequences, for Masonry owes a duty to itself and a duty to the State, which it cannot and should not shirk, be the consequences what they may. Matter of Remsen Lodge No. 677, 1914 p. 171, Comp. 658, 676.

14. Code P., §91.

15. Matter of Remsen Lodge No. 677, 1914 p. 171, Comp. 658, 676; Barry v. Kiroach, 1917 p. 224, Comp. 801, 802, *approved* 1917 p. 221, Comp. 797.

16. Code P., §85.

17. Code P., §85; Matter of Wade, Commrs. App., 1896 p. 199, Comp. 231.

[§1335] (C) **Of Trial Commissioners.** Ordinarily, at least one member of the Trial Commission will be a member of the bar, competent to advise his fellows upon questions of law, and it is presumed that the Commission, when appointed, is competent to hear and determine properly the issue submitted to it for decision and judgment.¹⁸ The Commissioners should act upon their own judgment and should not invite interference by seeking advice,¹⁹ although it has been ruled that, if all the parties consent, the Commission may ask advice from those who by law are called upon to decide questions of jurisprudence.²⁰

[§1336] (II) **Only Master Mason May Act as Counsel.** No one who is not a Master Mason in good standing shall be permitted to act as an attorney at a Masonic trial.²¹

[§1337] (III) **Right of Counsel to Bind by Stipulation.** While not necessary to the determination of the case, it has been suggested that the general right of representation possessed by an attorney of a court of record to stipulate away a client's rights does not appear to have been conferred by the Constitutions or Code of Procedure.²²

[§1338] **d. Employing Stenographer.** As has been stated above,²³ the Trial Commission may employ a Master Mason as stenographer and, for the purpose of preventing either party from adducing unnecessary testimony to increase the expense, may, as the trial proceeds, require each party to pay a portion of the stenographer's charges or direct their payment by one of the parties.²⁴

[§1339] **e. Evidence—(I) In General.** The rules of evidence established and recognized in courts of law of the State of New York in the ordinary administration of justice should be observed so far as may be consistent with the primary purpose of Masonic discipline.²⁵

[§1340] (II) **Burden of Proof—(A) When on Complainant.** Since the burden of proof always rests on the party holding the affirmative, it lies first on the complainant²⁶ but, except in cases in which the criminal law requires a corroborative witness, the trial commission

18. Matter of Remsen Lodge No. 677, 1914 p. 171, Comp. 658, 661, following Gibson G. M., 1869 p. 45, Comp. 137; Matter of Cherry Creek Lodge No. 384, 1914 p. 185, Comp. 676, 677.

19. Matter of Remsen Lodge No. 677, 1914 p. 171, Comp. 658, 661, following Gibson G. M., 1869 p. 45, Comp. 137.

20. Holmes G. M., 1867 p. 22, Comp. 115, 117 (vi), approved 1867 p. 49, Comp. 118.

21. Code P., §85.

22. Matter of Utica Lodge, 1910 p. 566, Comp. 384, 387-388.

23. See *supra*, §1240.

24. Matter of Pythagoras Lodge, 1911 p. 230, Comp. 511, 512.

Stenographer's charges as costs, see *infra*, §1406.

25. Code P., §90; Gibson G. M., 1869 p. 45, Comp. 136, 138.

Primary purpose of Masonic discipline, see *supra*, §1106.

26. Matter of Remsen Lodge No. 677, 1914 p. 171, Comp. 658, 664.

may believe a single witness against one or more,²⁷ although the mere denial of a charge by the accused on his Masonic word cannot counterbalance the unimpeached testimony of witnesses who are not Masons.²⁸

[§1341] (B) **When on Accused.** When the charges are based on a conviction in a court of law and the accused seeks to rebut the presumptive evidence of the court record by contrary proof, the burden of proof is thrown upon the convicted person.²⁹

[§1342] (III) **Admissibility of Evidence—(A) In General.** The rules to be observed by the Trial Commissioners with respect to the admissibility of evidence are such as have been established and are recognized in courts of law of the State of New York in the ordinary administration of justice.³⁰

[§1343] (B) **As to Ballot Cast.** On a trial for any offense connected with the ballot, 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.³¹

[§1344] (C) **Depositions.** The deposition of a witness taken under a commission may, in the absence of the witness, be read in evidence by either party.³²

[§1345] (D) **Hearsay.** Hearsay evidence is not admissible.³³ To establish or disprove any alleged matter of fact, the matter to which a witness testifies must be within his actual personal knowledge.³⁴

[§1346] (E) **Judgment of Court of Law.** A properly certified or exemplified record of a judgment of conviction in a state or federal court is admissible on a Masonic trial of charges based on the same offense.³⁵

[§1347] (F) **Record of Trial in Court of Law—(1) Rule Stated.** In a case in which the complainant has introduced in evidence the

27. *Matter of Remsen Lodge*, No. 677, 1914 p. 171, *Comp.* 658, 664.

28. *Lewis G. M.*, 1859 p. 28, *Comp.* 56, 57 (14).

29. *Code P.*, §91; *Matter of Piatt Lodge*, 1911 p. 224, *Comp.* 502.

30. *Code P.*, §90.

31. *Consts.*, §406; *Matter of Lafayette Lodge*, 1910 p. 517, *Comp.* 317, 323, where the Judge Advocate, referring to possible charges against officers for falsely declaring a ballot clear when two brothers claimed it was cloudy, said: "I advise that charges against the officers of the Lodge be not accepted unless clear

proof based upon visible inspection of the ballot box be furnished sufficient to make out a case against the officers without resort to individual testimony of members relative to the kind of ballots cast by them."

32. *Code P.*, §61.

Commission to take testimony, see *supra*, §1291 *et seq.*

33. *Gibson G. M.*, 1869 p. 45, *Comp.* 136, 138.

34. 1855 p. 7, *Comp.* 26. See also *Abell v. Amazeen*, *Comm. App.* 1912 p. 276, *Comp.* 569, 571, *approved* 1912 p. 272, *Comp.* 567.

35. *Code P.* §91,

record of a judgment of conviction of a state or federal court, the accused may introduce a certified copy of the entire record of the trial in which such judgment was rendered.³⁶

[§1348] (2) Evidence Impeaching Record May be Rebutted. When the record of conviction by a state or federal court has been assailed by evidence, the complainant is at liberty to introduce testimony to sustain the original charge stated in the record and contained in the specifications.³⁷

[§1349] (G) Testimony Taken Before Prior Invalid Commission. If objection is made, testimony taken before a commission which had no jurisdiction cannot be read on a new trial before another Commission.³⁸

[§1350] (IV) Weight and Sufficiency of Evidence—(A) Circumstantial Evidence. Circumstantial evidence must be such as necessarily to exclude every reasonable hypothesis save that of guilt.³⁹

[§1351] (B) Conviction in Court of Law—(1) Presumptive Evidence of Guilt. If the Masonic offense charged is one of which the accused has been convicted in a state or federal court, a record of the judgment of such court, properly certified or exemplified, shall be presumptive evidence of the commission of such offense and sufficient to justify a conviction by a Trial Commission,⁴⁰ but a plea of guilty before a criminal court is not a judgment and proof of such a plea, without additional proof that the offense charged had been committed, was held insufficient.⁴¹

[§1352] (2) Presumption of Guilt How Overcome—(a) General Rule. The accused may offer evidence to rebut the presumption of guilt arising from the record of a court of law⁴² or in mitigation,⁴³ but the presumption may be overcome only by affirmative proof.⁴⁴

36. Code P., §90.

37. Holmes G. M., 1867 p. 22, Comp. 115, 117 (vi), approved 1867 p. 49, Comp. 118.

38. Matter of Island City Lodge, 1911 p. 230, Comp. 510, where the Judge Advocate further said: "Under the circumstances, if the same counsel appear for the defendant, it would be proper for the complainant to offer to read the testimony with the same effect as though it had been taken in the present trial, and save labor and repetition of testimony. The defendant's counsel would be justified in permitting it to be thus used without objection because there has been full opportunity for cross-examination to elicit the truth.

39. Matter of Griffin, Commrs. App., 1883 p. 97, Comp. 220.

40. Code P., §91.

Under the former Code the presumption was the same and numerous decisions under the same may be found in Supplement to Handbook of Masonic Law (1st ed.), §1220.

41. Matter of Robin, 1911 p. 264, Comp. 559.

42. Holmes G. M., 1867 p. 22, Comp. 115, 117 (vi), approved 1867 p. 49, Comp. 118; Matter of Lewis, Commrs. App., 1904 p. 234, Comp. 243.

43. Anthony G. M., 1881 p. 35, Comp. 211, 213 (5).

44. Code P., §91.

[§1353] (b) By Proof as to Identity. The presumption of identity of person arising from identity, or substantial identity, of names may be overcome by affirmative proof.⁴⁵

[§1354] (c) By Proof as to Innocence or Reversal of Judgment. The presumption arising from the record of conviction by a state or federal court may be overcome by affirmative proof tending to establish the innocence of the accused of the offense described in such record of judgment.⁴⁶ It may also be overcome by proof that such judgment has been reversed or set aside.⁴⁷

[§1355] (IV) Testimony How Taken Down. If a stenographer be not employed, the testimony of a witness shall be reduced to writing by question and answer.⁴⁸

[§1356] f. Joint or Separate Trial. At least unless a separate trial be demanded,⁴⁹ two or more persons accused jointly may be tried together.⁵⁰

[§1357] g. Objections and Rulings Thereon. Upon all questions arising during the trial, a majority of the Trial Commission decides, the Chairman announcing the result. A dissenting Commissioner may have his dissent noted.⁵¹

[§1358] h. Permitting Amendment of Charges. Subject to the right of adjournment on the ground of surprise,⁵² the Trial Commission, on motion of the complainant or of their own volition, may permit the charges to be amended as to mere clerical errors or errors in dates to conform to the facts.⁵³

[§1359] i. Presence of Trial Commissioners. During the trial the presence of a quorum⁵⁴ is a must⁵⁵ which cannot be waived by stipulation or otherwise,⁵⁶ but a majority of the appointed commissioners

45. Code P., §91.

46. Code P., §91.

47. Code P., §91.

48. Code P., §84.

49. Matter of Bernstein, Commrs. App., 1892 pp. 136-137, Comp. 226, holding the failure to make such demand was a waiver of any objection to such joint trial.

50. Comm. J. & Cond. M., 1868 p. 44, Comp. 121, 122 (ii), where it is said: "Where, then, as in the case submitted, the act charged is a joint one and measure of guilt (if any) must be precisely the same in every case, and hence the establishment of the facts charged, or the failure to do so, must bear with equal weight for or against each and all of the accused, to require or to admit that on the simple demand of the accused there should be

twenty repetitions of the same evidence before twenty different commissions, is a supposition so extreme as not to be within the limits of a simple inquiry into the truth or falsity of a given and well-defined state of facts. Your Committee are of the opinion that such a claim cannot be allowed."

51. Matter of Remsen Lodge No. 677, 1914 p. 171, Comp. 658, 666.

52. See *supra*, §1332.

53. Holmes G. M., 1867 p. 22, Comp. 115, 116 (ii), approved 1867 p. 49, Comp. 118.

54. Quorum defined, see *supra*, §1239.

55. Gibson G. M., 1869 p. 45, Comp. 136, 137.

56. Barry v. Kiroach, 1917 p. 224, Comp. 800, approved 1917 p. 221, Comp. 797.

are competent to act.⁵⁷ Since, however, all who participate in the decision must have been present at the taking of the testimony,⁵⁸ it is the duty of all the Trial Commissioners who commence the trial to be present at each meeting at which testimony is taken.⁵⁹

[§1360] j. **Publicity of Trial—(I) Excluding Non-Masons.** Except an officer authorized to administer an oath during the time therefor⁶⁰ or a witness while he is testifying,⁶¹ none but Master Masons should be permitted to be present at a trial.

[§1361] (II) **Excluding Spectators.** A Trial Commission may exclude all spectators and allow only the complainant and his counsel and the accused and his counsel to be present.⁶²

[§1362] (III) **Excluding Witnesses.** A Trial Commission may exclude all witnesses other than the one being examined.⁶³

[§1363] (IV) **Presence of Accused Matter of Right.** It is the right of the accused to be present at the time the testimony of witnesses is given against him and no Commissioners can refuse it without the violation of a rule of Masonic jurisprudence.⁶⁴

[§1364] k. **Termination of Trial—(I) In General** A Trial Commission, having entered upon the work appointed for it, must execute and finish the work unless, for sufficient cause, the proper authority shall discharge the order appointing it⁶⁵ and may not terminate the receiving of evidence at any time it see fit.⁶⁶ An order of the Grand Master directing a trial to be completed and the report filed not later than a specified date is directory and not mandatory.⁶⁷

Upon the conclusion of the trial, the Trial Commission, by a majority vote, shall determine the guilt or innocence of the accused and fix the penalty, if any, to be imposed.⁶⁸ The various penalties

57. Matter of Remsen Lodge No. 677, 1914 p. 171, Comp. 658, 662-663.

58. Matter of Pioneer Lodge, 1910 p. 553, Comp. 366.

59. Barry v. Kiroach, 1917 p. 224, Comp. 800, 801, *approved* 1917 p. 221, Comp. 797.

60. See *infra*, §1382

61. See *infra*, §1376.

62. Gibson G. M., 1870 p. 44, Comp. 150, 151.

63. Crane G. M., 1863 p. 18, Comp. 90, 92 (10); Gibson G. M., 1870 p. 44, Comp. 150.

64. Code P., §88; 1855 p. 7, Comp. 26, 27; 1857 pp. 107-114, Comp. 32, 43 (48).

Exclusion ground for reversal, see *infra*, §1472.

65. Gibson G. M., 1869 p. 45, Comp. 136.

66. Matter of Remsen Lodge No. 677, 1914 p. 171, Comp. 658, 665, holding that each side must be accorded reasonable opportunity to adduce the testimony of all witnesses who are competent to give testimony of facts relevant to the issue.

67. Matter of Haines, Commra. App., 1910 p. 375, Comp. 255.

68. Code P., §100.

which may be imposed and the successive steps to be taken upon the rendering of a decision by the Trial Commissioners are treated elsewhere.⁶⁹

【§1365】 (II) **Withdrawal of Charges.** After a trial has commenced, the complainant cannot, without the consent of the accused, withdraw the charges. The accused is entitled to have a report from the commission on the question of his guilt or innocence.⁷⁰

【§1366】 1. **Witnesses—(I) Compelling Attendance by Summons**⁷¹
—(A) **Rule Stated.** The attendance on behalf of either party of a witness who is a Mason may be enforced by summons.⁷²

【§1367】 (B) **By Whom Summons Issued.** A summons to compel the attendance of a witness is issued by the Chairman of the Trial Commission.⁷³

【§1368】 (C) **To Whom Summons Issued.** The summons may be issued only for a necessary and material witness and the Chairman must be satisfied of the necessity and materiality.⁷⁴

【§1369】 (D) **Form of Summons for Witness.** A summons to compel the attendance of a witness requires no seal, but it must be signed by the Chairman of the Trial Commission and before he affixes his signature must bear the name of the witness whose attendance is desired.⁷⁵ It may be in the following form:

(Caption copied from charges)

Brother⁷⁶ *John Smith, 209 East 16th Street, Brooklyn, N. Y.*

YOU ARE HEREBY SUMMONED and required to attend as a witness before the Trial Commission in the above-entitled matter on *(specifying date, hour and place)* and there to testify the truth according to your knowledge on behalf of *(naming the party summoning him.)*

Dated: *March 16, 1951.*

Jeremiah Mason,

Chairman of Trial Commission.

69. Penalties, see *infra*, §§1390-1405. Decision of Trial Commission, see *infra*, §§1410-1426.

70. Gibson G. M., 1870 p. 44, Comp. 150, 151.

71. Failure to obey summons an offense, see *supra*, §1132.

72. Code P., §89.

73. Code P., §89.

Earlier decisions, no longer applicable under the Code of Procedure adopted in 1942, are considered in Supplement to Handbook of Masonic Law (1st ed.), §1237.

74. Gibson G. M., 1869 p. 46, Comp. 138, holding that where the witness resides or is at a great distance from the place of trial, the Commissioner may require the party to be obligated and to state the grounds for the necessity and if not satisfied need not issue it.

75. Code P., §89.

76. The summons may be made to answer for several witnesses by inserting their several names and addresses and by inserting after the word "you" in the first line the words "and each of you."

[§1370] (E) **How Summons for Witness Served.** A summons to compel the attendance of a witness may be served by mailing a copy thereof to the witness or by exhibiting to him the original and leaving with him a copy.⁷⁷

[§1371] (F) **Proof of Service of Summons for Witness.** The person serving a summons to compel the attendance of a witness shall indorse on the original his certificate or affidavit showing the time, place and manner of service as required for proof of service of the notice of the charges and deliver the same to the Chairman of the Trial Commission.⁷⁸

[§1372] (II) **Competency of Witnesses—(A) General Rule.** The rules applicable to the competency of witnesses are such as have been established and are recognized in courts of law of the State of New York in the ordinary administration of justice so far as may be consistent with the primary purpose of Masonic discipline.⁷⁹

[§1373] (B) **Competency as Witness of Accused.** The accused cannot be compelled to testify against himself⁸⁰ and should not be made a witness on his own behalf when being tried Masonically for an offense of which he has been convicted in a court of law.⁸¹ He may, however, testify in his own behalf in some instances and, if he do so, he waives all privilege that his answer will criminate him and if he refuse to answer any question decided to be competent, the Commission should report him to the Grand Master, as guilty of a contempt, and he may be disciplined for that offense.⁸²

[§1374] (C) **Competency as Witness of Expelled Mason.** An expelled Mason cannot testify before a Masonic Trial Commission.⁸³

[§1375](D) **Competency as Witness of Master.** The duty and privilege of the Master as a witness before a Trial Commission is considered elsewhere.⁸⁴

[§1376] (E) **Competency as Witness of Non-Mason.** The accused may have the evidence of persons as witnesses in his behalf who are not Masons⁸⁵ and the prosecution has the like right.⁸⁶

77. Code P., §89.

78. Code P., §89.

Proof of service of notice of charges, see *supra*, §§1256-1259.

79. Code P., §90.

Primary purpose of Masonic discipline, see *supra*, §1106.

80. Gibson G. M., 1870 p. 44, Comp. 150; Matter of Griffin, Comms. App., 1883 p. 97, Comp. 220.

81. Holmes G. M., 1867 p. 22, Comp. 115, 117 (vi), *approved* 1867 p. 49, Comp. 118, declaring, however, that he

must be permitted to make any statement which he may see fit, which should be reduced to writing and form a portion of the record of the trial.

82. Gibson G. M., 1870 p. 44, Comp. 150.

83. Paige G. M., 1865 p. 24, Comp. 106, 107 (7), *approved* 1865 p. 195, Comp. 108.

84. See *supra*, §1006.

85. 1855 p. 7, Comp. 26; Gibson G. M., 1870 p. 44, Comp. 150, 151.

86. Gibson G. M., 1870 p. 44, Comp. 150, 151-152.

[§1377] (F) **Competency as Witness of a Trial Commissioner.** One of the Trial Commissioners may be obligated as a witness.⁸⁷

[§1378] (III) **Credibility of Witnesses.** The credibility of any witness may be impeached,⁸⁸ but a Master Mason cannot be impeached by testimony as to reputation only.⁸⁹

[§1379] (IV) **Number of Witnesses.** While a Trial Commission may, in its discretion, regulate the number of witnesses who may be called to testify to the good character of the accused, or to give expert testimony, each side must be accorded reasonable opportunity to adduce the testimony of all witnesses who are competent to testify to facts relevant to the issue.⁹⁰

[§1380] (V) **Privilege.** If a brother is called on to testify as 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. If the facts concerning which he is called to testify came to his knowledge before he became counsel, or are entirely disconnected from his profession 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.⁹¹

[§1381] (VI) **Witnesses Testify How—(A) Masons Not Sworn.** A witness who is a Mason shall testify by virtue of his obligation and without being sworn.⁹²

[§1382] (B) **Non-Masons Sworn or Affirm.** A witness who is not a Mason shall first be sworn before some officer duly authorized to administer an oath or, if he shall refuse to be sworn, shall affirm that the testimony he is about to give will be the truth.⁹³

[§1383] (VII) **Right of Accused to Confront Witnesses—(A) General Rule.** With the exceptions considered in the next two sections, it is the right of the accused to be confronted in the presence of the Trial Commission with the witnesses against him.⁹⁴

[§1384] (B) **Exceptions—(1) When Witness Examined by Commission.** The accused is not entitled to be confronted in the presence of the Trial Commission by a witness who has been examined by the commission,⁹⁵ a subject discussed elsewhere.⁹⁶

87. Gibson G. M., 1870 p. 44, Comp. 150.

88. Code P., §86.

89. Paige G. M., 1865 p. 24, Comp. 106, 107 (8), approved 1865 p. 195, Comp. 108.

90. Matter of Remsen Lodge No. 677, 1914 p. 171, Comp. 658, 665.

91. Thorne G. M., 1875 p. 30, Comp. 163, 166 (23), approved 1875 p. 231, Comp. 175.

Privilege of Master, see *supra*, §1006.

92. Code P., §87; Gibson G. M., 1870 p. 44, Comp. 150, 151. See also Lewis G. M., 1859 p. 28, Comp. 56 (2).

93. Code P., §87; Gibson G. M., 1870 p. 44, Comp. 150, 151.

94. Code P., §88.

95. Code P., §88 (a).

96. Commission to take testimony, see *supra*, §§1291-1297.

[§1385] (2) **When Witness Not Available After Prior Trial.** Where the accused has previously been tried upon charges embracing the same offense and it is shown to the satisfaction of the Trial Commission that a witness who testified at such former trial is dead, insane or cannot with due diligence be found within the State of New York, his testimony may be read in evidence upon any subsequent trial of the same charges.⁹⁷

[§1386] **N. Proceedings When Accused Pleads Exculpatory Facts—1. Which Are Accepted as True.** If the accused pleads exculpatory facts which are accepted as true by the Proctor, the latter shall notify the Chairman of the Trial Commission of such acceptance and the subsequent proceedings shall be the same as in a case in which the accused defaults after personal service or receipt by registered mail.⁹⁸

[§1387] **2. Which Are Not Accepted as True.** If the accused pleads exculpatory facts which are not accepted as true by the Proctor, the latter shall deliver to each of the Trial Commissioners a copy of the charges and answer and the subsequent proceedings shall be the same as in a case in which the accused has answered denying the charges,⁹⁹ the Trial Commission, by a majority vote, determining the guilt or innocence of the accused and the penalty, if any, to be imposed.¹

[§1388] **O. Proceedings When Accused Pleads Facts in Mitigation of Punishment—1. Which Are Accepted as True.** If the accused shall admit the charges and plead facts in mitigation of punishment, the Proctor shall notify the Chairman of the Trial Commission whether the complainant is willing to accept as true the facts alleged in mitigation. If he is, the same shall be deemed true and shall be considered by the Trial Commission in reaching its determination,² the proceedings subsequent to the Proctor's notice of acceptance being the same as in a case in which the accused has defaulted after personal service or receipt by registered mail.³

[§1389] **2. Which Are Not Accepted as True.** If, under the circumstances considered in the preceding section, the complainant is unwilling to accept as true the facts alleged in mitigation of punishment, the Proctor shall deliver to each of the Trial Commissioners a copy of the charges and answer⁴ and the matter be set down for hearing on this issue only,⁵ as in a case in which the accused denies the charges,⁶ the Trial Commission, by a majority vote, determining the truth of such issue and fixing the penalty, if any, to be imposed.⁷

97. Code P., §88 (b).

98. Code P., §§83, 82. For these proceedings, see *supra*, §§1317-1325.

99. Code P., §83. For these proceedings, see *supra*, §§1326-1385.

1. Code P., §100.

2. Code P., §82.

3. For these proceedings, see *supra*, §§1317-1325.

4. Code P., §§83, 82.

5. Code P., §82.

6. For these proceedings, see *supra*, §§1326-1385.

7. Code P., §102.

[§1390] P. Penalties—1. In General. The penalties for a violation of Masonic law shall be as prescribed in the Constitutions and in the Code of Procedure.⁸ The former fixes penalties in several instances, some of them being mandatory,⁹ while under the latter any one or more of six different punishments may be imposed upon an individual¹⁰ and any one or more of three upon a Lodge.¹¹ Thus the utmost latitude is given with the prime idea of making the punishment fit the crime.¹²

[§1391] 2. Individual Penalties—a. Generally—(I) How Determined. With certain exceptions hereinafter noted,¹³ it is left to the discretion of the Trial Commission to determine what penalty shall be inflicted in a particular case,¹⁴ but undue severity should be avoided.¹⁵ The general character and conduct of the accused and the particular circumstances surrounding the commission of any offense are considerations which must largely enter into the determination of the extent of the punishment to be imposed.¹⁶

8. Consts., §404.

9. See *infra*, §§1399-1401.

10. Code P., §104.

11. Code P., §105.

12. In the Matter of Radiant Lodge No. 739, 1932 p. 146, *approved* 1933 p. 178, Comp. 1063, 1067.

13. See *infra*, §§1399-1401.

14. Matter of Pascall, Comms. App., 1888 p. 187, Comp. 224; In the Matter of Radiant Lodge No. 739, 1932 p. 146, *approved* 1933 p. 178, Comp. 1063, 1067.

15. Comm. on App., 1867 p. 79, Comp. 120, reducing a sentence of expulsion to suspension for three years.

16. Matter of Pascall, Comms. App., 1888 p. 187, Comp. 224.

Deliberate Contumacy.—In *Zschokke* Lodge No. 202 v. *Bodtman*, 1913 p. 170, Comp. 870-871, in affirming a judgment of expulsion, it was said: "Considered generally, the penalty of expulsion seems severe for an offense of this nature. But in this instance the offense was deliberate—in fact, contumacious, and in defiance of the authority of the Master of the Lodge who issued the summons, and of the law of the Fraternity, and in violation of defendant's oath as a Mason. Appellant appeared personally before the commission and argued his own appeal, but expressed no regret for his act. The trial commissioners unani-

mously recommended his expulsion, and their recommendation was unanimously adopted by the Lodge, which now urges an affirmance of its judgment. These brethren were in a position to judge the facts and circumstances at first hand. It does not appear that they were influenced by passion, prejudice or other improper motive. The procedure has been conducted in accordance with law. Under all these circumstances we do not feel that the action of the Lodge should be interfered with."

Incorrigible Disposition.—In 1813 Grand Lodge affirmed a conviction, stating that while the "charges taken abstractly do not appear entirely sufficient to justify an expulsion," yet taken in connection with his incorrigible disposition—it is not improper to ratify and confirm the expulsion." 1 Kane R. p. 538, Comp. 6.

The confession of a brother, accompanied by a plea for mercy, does not in any-wise entitle him to a milder punishment than the offense demands. In dealing with the offense, 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. Thorne G. M., 1875 p. 30, Comp. 163, 173 (58), *approved* 1875 p. 231, Comp. 175.

[§1392] (II) Reprimand. An individual Mason may be punished by reprimand.¹⁷

[§1393] (III) Fine. An individual Mason may be punished by the imposition of a fine.¹⁸

[§1394] (IV) Payment of Costs. A penalty which may be inflicted upon an individual Mason is the payment of the costs of the trial.¹⁹

[§1395] (V) Suspension—(A) For Definite Time. The right to impose indefinite suspension was once recognized,²⁰ but this was tantamount to expulsion²¹ and an individual convicted of a Masonic offense may now be punished by suspension from all the rights and privileges of Masonry only for a definite time²² or until such time as it may be terminated by some act on the part of the accused himself.²³

[§1396] (B) Until Fine or Costs Paid. An individual Mason may be suspended from all the rights and privileges of Masonry until such time as a specified fine or costs shall have been paid by him.²⁴

[§1397] (C) Until Letter of Apology Read. An individual Mason may be suspended from all the rights and privileges of Masonry until he shall have written a letter of apology to the Lodge, to be read in open Lodge.²⁵

[§1398] (VI) Expulsion. An individual Mason may be punished by expulsion.²⁶

[§1399] b. Particular Offenses—(I) Disclosing Ballot. The penalty for disclosing the manner of casting a ballot, the number of white or black balls cast or declaring how any other brother balloted, is suspension for not exceeding one year.²⁷

[§1400] (II) Felony. A brother convicted of a felony by the judgment of a court of law of competent jurisdiction shall forthwith stand suspended from all the rights and privileges of Masonry until such judgment shall be reversed or set aside or until a Masonic trial shall have resulted in his acquittal of charges based upon such judgment.

17. Code P., §104 (a).

18. Code P., §104 (b).

Before the adoption of the present Code of Procedure in 1942 a fine might be imposed only as an alternative to, or in conjunction with, a reprimand. *Star of Cuba Lodge No. 742 v. Strachan*, 1924 p. 187, Comp. 876.

19. Code P., §104 (c); In the *Matter of Galileo Lodge No. 1052*, 1933 p. 113, *approved* 1933 p. 179, Comp. 1104, 1105.

20. 1861 p. 187, Comp. 74.

21. *Matter of Jaynes*, *Comms. App.*, 1874 p. 251, Comp. 162.

22. Code P., §104 (d); *Matter of Mickle*, 1888 p. 26, Comp. 223; *Matter of Coxford*, *Comms. App.*, 1890 p. 161, Comp. 225; *Matter of "S"*, 1942 p. 45, *approved* 1942 p. 120, Comp. 1194.

23. See, for example, the next two sections.

24. Code P., §104 (e).

25. In the *Matter of James Ford*, 1913 p. 293, Comp. 640, 642.

26. Code P., §104 (f).

27. *Consts.*, §406.

If found guilty after due Masonic trial of an act or conduct constituting a felony under the laws of the State of New York and which involves moral turpitude he shall be punished by expulsion²⁸ and any less sentence is void.²⁹

[§1401] (III) Misrepresentation, Concealment or Deceit in Connection with Initiation. The punishment for misrepresentation, concealment or deceit in connection with initiation may be suspension or expulsion. If, however, such concealment or deceit relates in anywise to any previous application for initiation in this or in any other Masonic jurisdiction, the punishment therefor shall be expulsion.³⁰

[§1402] 3. Lodge Punishments—*a. Which May Be Imposed*—(I) Reprimand. A Particular Lodge may be punished by reprimand.³¹

[§1403] (II) Fine. A Trial Commission may inflict upon a Lodge the payment of a fine.³²

[§1404] (III) Payment of Costs. A Particular Lodge may be punished by the penalty of payment of the costs of trial.³³

[§1405] *b. May Recommend Forfeiture of Lodge Charter.* In addition to the penalties which may be imposed against a Particular Lodge and which are described in the three preceding sections, a Trial Commission may recommend to Grand Lodge that the charter of an offending Lodge be forfeited, but such forfeiture shall not be declared except by action of Grand Lodge at an Annual Communication thereof at which the findings of the Trial Commission shall have been submitted.³⁴

[§1406] *Q. Costs—1. What Are.* Only the actual expenses of a trial constitute costs.³⁵ These include the reasonable charges of a stenographer employed by a Trial Commission,³⁶ but not a charge for the services of the commissioners themselves.³⁷

[§1407] 2. Costs Imposed on Either Party. The payment of costs is one of the penalties which may be inflicted upon an individual Mason or a Particular Lodge,³⁸ but their payment by either party may be directed by a Trial Commission.³⁹ They should not be

28. Consts., §405.

29. Matter of "S", 1942 p. 45, approved 1942 p. 120, Comp. 1194.

30. Consts., §407.

In *Roberts v. West*, Commrs. App., 1951 p. 51, the appellant contended that the last sentence of section 407 did not make expulsion mandatory if the concealment were not "intentional", but the Commission held that the use of the word "or" in place of "and" had the reverse effect.

31. Code P., §105 (a).

32. Code P., §105 (b).

33. Code P., §105 (c).

34. Code P., §106.

35. Code P., §300.

36. Code P., §84; In the Matter of Piatt Lodge No. 194, 1913 p. 237, Comp. 605, 608.

37. Comm. on App., 1859, p. 263, Comp. 61; Matter of Boyd, Commrs. App., 1888 p. 185, Comp. 224.

38. See *supra*, §1394.

39. Code P., §§84, 301.

assessed, however, against one who is merely a nominal complainant⁴⁰ or against a complainant who acted in evident good faith, but failed to sustain the charges for reasons beyond his control.⁴¹

[§1408] 3. Costs How Collected—a. General Rule. A Trial Commission may direct that a guilty brother stand suspended from all the rights and privileges of Masonry until costs shall have been paid by him⁴² and failure of one expelled to pay is a bar to his right to restoration.⁴³ Failure of either party to pay as directed is also a Masonic offense.⁴⁴

[§1409] b. From Lodge or Grand Treasurer. When a Trial Commission shall impose upon either party the payment of any costs and the same shall not have been paid within a reasonable time, the Grand Master may, by warrant, order that the same, or any part thereof, be paid by the Lodge of which the party against whom the same were awarded is or was a member, or by the Grand Treasurer, but such payment shall not relieve the party against whom they were awarded and his continued refusal to reimburse the Lodge or Grand Treasurer may be punished as a Masonic offense.⁴⁵

[§1410] R. Decision of Trial Commission—1. Must Be Made. A Trial Commission having reached its determination in accordance with the provisions hereinabove considered,⁴⁶ shall, with all convenient speed, cause a written decision to be prepared which shall embody its determination.⁴⁷

[§1411] 2. Majority Sufficient and Necessary. It is sufficient if the decision be concurred in by a majority of the Trial Commissioners,⁴⁸ but a majority must concur.⁴⁹

[§1412] 3. Dissenting Report. A minority Commissioner may express his dissent, either at the end of the written decision of the majority or in a separate opinion signed by him.⁵⁰

[§1413] 4. Requisites of Decision—a. Rule Stated—(1) Must Find on All Issues. A Trial Commission must find on all issues, that is, determine all the charges,⁵¹ stating its conclusion as to the guilt or

40. Matter of Monkman, 1877 p. 81, Comp. 191, 192, where the complainant acted under the direction of his Lodge.

41. Barry v. Kiroach, 1917 p. 224, Comp. 801, 803, approved 1917 p. 221, Comp. 797, failure to produce a profane witness whose attendance could not be compelled.

42. Code P., §104 (e).

43. In the Matter of Piatt Lodge No. 194, 1913 p. 237, Comp. 605, 608.

44. See *supra*, §1126.

45. Code P., §301.

46. See *supra*, §§1317-1389.

47. Code P., §107.

48. Code P., §§100-103; Matter of Pioneer Lodge, 1910 p. 553, Comp. 366; Matter of Remson Lodge No. 677, 1914 p. 171, Comp. 658, 662-663.

49. Lewis G. M., 1859 p. 28, Comp. 56 (1); Gibson G. M., 1869 p. 45, Comp. 136, 137.

50. Code P., §109.

51. Gibson G. M., 1870 p. 44, Comp. 150, 151.

innocence of the accused with respect to each separate charge and specification and the penalty, if any, imposed⁵² or recommended.⁵³ It need not, however, contain separate findings of fact or conclusions of law.⁵⁴

[§1414] (II) In Case of Expulsion. When the adjudged punishment is expulsion, it should be from all the rights and privileges of Masonry and is technically irregular when it is from the Lodge only.⁵⁵

[§1415] (III) In Case of Reprimand. 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.⁵⁶

[§1416] b. Suggested Form of Decision—(I) When Accused Fails to Answer after Service. The following is suggested as a sufficient form of decision in a case in which the accused fails to answer after personal service or a receipt of the charges by registered mail.

(Caption copied from charges)

The Grand Master having heretofore and on *(giving date)* entertained the complaint preferred by *(naming and describing complainant as in caption)* against *(naming and describing accused as in caption)*, as appears by his indorsement on said complaint which is filed herewith, and having, on *(giving date)*, appointed the undersigned as Trial Commissioners to hear, try and determine the same, as appears by his order filed in the Office of the Grand Secretary;

And the accused having been duly served personally⁵⁷ with a copy of charges predicated upon the allegations of said complaint, together with the notice prescribed by Section 34 of the Code of Procedure, as appears by proof thereof filed herewith, in which said charges the said *(naming and describing accused as in caption)* is charged with *(copy charges but not specification)*;

And the accused having failed to answer said charges and the Proctor having waived his right to be heard, all of which appears by the notice of the Proctor dated *(giving date)* and filed herewith;

52. Code P., §108; Matter of Continental Lodge, Comms. App., 1884 p. 251, Comp. 162.

53. Code P., §111.

54. Code P., §108.

55. Kings County Lodge v. Stenzel, 1914 p. 162, Comp. 646, 649; In the Matter of Alcyon Lodge No. 695, 1916 p. 158, Comp. 754.

56. Thorne G. M., 1876 p. 29, Comp. 178, 180 (xiii).

57. If served by registered mail, substitute the words "registered mail" and insert, following this paragraph, the following:

And the Registry Return Receipt signed by him (or by some person in his behalf) conforming to the provisions of the Code of Procedure as appears by said receipt filed herewith.

And it further appearing from a certified copy of an indictment found by the Grand Jury of (*naming county or district*) and from a certified copy of the record of conviction in the (*naming court*), both of which are filed herewith, that on the (*giving date*) the said (*naming and describing accused as in caption*) was convicted of the crime of (*naming it*) on his plea of guilty (*or by verdict of a petit jury*);

We met, pursuant to the provisions of Section 80 of the Code of Procedure, on (*giving date*) at (*naming place*), for the purpose of fixing the penalty to be imposed on said (*naming and describing accused as in caption*); and

WE DO DECIDE that the said (*naming and describing accused as in caption*) is guilty of the charges preferred against him;

WE DO FURTHER DECIDE and direct that said (*naming and describing accused as in caption*) be and hereby is expelled from (*naming Lodge*) and from all the rights and privileges of Masonry.

Dated: (*Signed by all concurring Commissioners*)

[§1417] (II) When Accused Defaults after Answer. The form suggested in the preceding paragraph may be adapted to a case in which the accused, having answered by a general denial, or by admitting the charges and alleging exculpatory facts, or facts in mitigation of punishment, which facts were not accepted by the Proctor as true, fails to appear at the time fixed for the trial of the issues thus raised. Under such conditions the first two paragraphs of the suggested form may be succeeded by the following:

And the accused having answered denying said charges (*or admitting said charges and alleging exculpatory facts or admitting said charges and alleging facts in mitigation of punishment, which facts were not accepted by the Proctor as true*);

We met at (*stating place*) on (*stating time and date*) and the complainant having appeared in person and by (*naming him*), Proctor, and the accused having failed to appear, after due notice of said hearing, as appears by the proof of service of said notice filed herewith; and the evidence offered by the complainant having been duly heard and considered and due deliberation having been had thereon;

WE DO DECIDE that the said (*naming and describing accused as in caption*) is guilty of the charges preferred against him; and

WE DO FURTHER DECIDE and direct that said (*naming accused as before*) be and hereby is (*state punishment*).

Dated: (*Signed by all concurring Commissioners*)

[§1418] (III) When Accused Pleads Facts Accepted as True. The form suggested in the second preceding section may be adapted to a case in which the accused has alleged facts by way of exculpation or in mitigation of punishment, which facts are accepted by the Proctor as true, by substituting for the third paragraph the following:

And the accused having answered admitting the charges but pleading exculpatory facts (or facts in mitigation of punishment), which facts the Proctor has accepted as true, and the Proctor having waived his right to be heard, all of which appears by the notice of the Proctor dated (*giving date*) and filed herewith.

[§1419] (IV) After Trial of Issues. The following is suggested as the form of decision following a trial of issues raised by a general denial or by an answer admitting the charges and pleading exculpatory facts, or facts in mitigation of punishment, which facts were not accepted as true by the Proctor:

(*Caption copied from charges*)

The Grand Master having heretofore and on (*giving date*) entertained the complaint preferred by (*naming and describing complainant as in caption*) against (*naming and describing accused as in caption*), as appears by his indorsement on said complaint which is filed herewith, and having, on (*giving date*), appointed the undersigned as Trial Commissioners to hear, try and determine the same, as appears by his order filed in the Office of the Grand Secretary, and the accused having answered denying said charges (or admitting said charges and pleading facts in exculpation or explanation or in mitigation of punishment, which facts were not accepted by the Proctor as true),

We convened as a Trial Commission at (*stating place*) on (*giving date*) and were attended by (*naming him*), Proctor, for the Complainant, and by the Accused in person and by (*naming him*), his attorney, and heard the testimony and evidence and the arguments of the respective counsel thereon; and after due deliberation thereon

WE DO DECIDE that the said (*naming and describing accused as in caption*) is guilty of (*stating findings on each charge and specification*).

WE DO FURTHER DECIDE and direct that said (*naming and describing accused as in caption*) be and he hereby is (*stating punishment*).

Dated: (*Signed by all concurring Commissioners*)

[§1420] 5. Filing Decision—a. In General—(I) Rule Stated. Except in a case in which the forfeiture of a Lodge charter is recommended, the Chairman of a Trial Commission shall, with all convenient speed, cause its original decision to be filed in the office of the Grand Secretary and a copy thereof, with notice of its filing, to be delivered to the Proctor.⁵⁸

[§1421] (II) Notice of Filing Decision. The notice mentioned in the preceding section may be in the following form:

(Caption copied from charges)

TAKE NOTICE that a written decision, signed by all the Commissioners appointed to hear, try and determine the Charges preferred by *(naming and describing complainant as in caption)* against *(naming and describing accused as in caption)*, a copy of which is hereto annexed, has this day been filed in the Office of the Grand Secretary, 71 West 23rd Street, in the Borough of Manhattan, City of New York.

Dated:

John Marshall
Chairman of the Trial Commission.

To:

(Name and address of Proctor)

[§1422] b. Recommending Forfeiture of Lodge Charter. If the decision of a Trial Commission shall contain a recommendation that the charter of a Lodge be forfeited, the Chairman of such Trial Commission shall cause its original decision to be delivered to Grand Lodge at its next Annual Communication for action pursuant to the provisions of the Book of Constitutions.⁵⁹

[§1423] 6. Filing Minutes of Trial and Exhibits. Except in a case in which the forfeiture of a Lodge charter is recommended, the Chairman of a Trial Commission, at the time of filing its decision, shall cause the minutes of all hearings and all exhibits which have been received in evidence to be filed in the office of the Grand Secretary from whose custody either party may withdraw his own exhibits if no appeal shall have been taken within the prescribed time.⁶⁰

[§1424] 7. Notice of Decision—a. To Accused. Upon receipt of a copy of the decision and notice of its filing, it is the duty of the Proctor to serve the accused with a copy thereof with notice of the date of filing.⁶¹

58. Code P., §110.

60. Code P., §112.

59. Code P., §111.

61. Code P., §113.

[\$1425] b. To Lodge of Which Accused Is or Was a Member. In addition to the notice to the accused discussed in the preceding section, it is the duty of the Proctor to notify the Lodge of which the accused is or last was a member of the finding of the Trial Commission and of the penalty, if any, which it has inflicted.⁶²

[\$1426] 8. Effect of Decision. The decision of a Trial Commission duly filed in the office of the Grand Secretary as above described shall be final unless reversed or modified pursuant to an appeal taken in the manner prescribed.⁶³

[\$1427] S. Opening Default—1. Right to Apply For. If the accused fails to answer within the time specified for that purpose or, having answered, fails to appear at the time and place fixed for trial, he may apply to be relieved from his default.⁶⁴

[\$1428] 2. Application to Open Default How Made—a. **By Petition Forwarded to Proctor.** Application to open a default shall be by a written petition, forwarded to the Proctor, containing a statement of the petitioner's reasons and excuses for his default and a statement of facts tending to indicate that he is not guilty of the charges.⁶⁵

[\$1429] b. Oral Argument Not Permitted. No oral argument shall be permitted on a petition to open a default.⁶⁶

[\$1430] 3. Duty of Proctor—a. **When Petition Received Before Decision Filed.** If a petition to open a default be received before the decision of the Trial Commission has been filed, the Proctor shall forward the same to the Chairman of the Trial Commission.⁶⁷

[\$1431] b. When Petition Received After Decision Filed. If the petition to open a default be received after the filing of the decision of the Trial Commission, the Proctor shall forward it to the Grand Master.⁶⁸

[\$1432] c. Proctor May File Statement in Opposition. In transmitting a petition to open a default to the person authorized to pass thereon, the Proctor may submit a written statement in opposition thereto.⁶⁹

62. Code P., §113. See also Matter of Cryer, 1911 p. 222, Comp. 498, 499, in which, construing an earlier Code, it was said that, since the object in view was to advise the Particular Lodge of the action of Grand Lodge, a "copy of the Report of the Commissioners certified by the Grand Secretary should be served upon the Lodge with notice that it is done by direction of the Grand Master, and requesting that

it be read before the Lodge and spread in full upon its Minutes."

63. Code P., §114; Gibson G. M., 1869 p. 45, Comp. 136, 137.

64. Code P., §200.

65. Code P., §201.

66. Code P., §204.

67. Code P., §202.

68. Code P., §203.

69. Code P., §205.

[\$1433] 4. By Whom Decision Made—a. **When Petition Received Before Decision Filed.** If the petition to open a default be received before the filing of the decision of the Trial Commission, the granting or denial of such petition shall be determined by the Chairman of the Trial Commission by indorsing the same with his determination and, in case of a denial, with his reasons therefor and his determination shall be filed with the decision of such Trial Commission when such decision is filed.⁷⁰

[\$1434] b. When Petition Received After Decision Filed. If a petition to open a default be received after the decision of the Trial Commission has been filed, the granting or denial of such petition shall be determined by the Grand Master by indorsing the same with his determination and, in case of denial, with his reasons therefor. If granted, the petition, with his indorsement, shall be transmitted to the Chairman of the Trial Commission.⁷¹

[\$1435] 5. Subsequent Proceedings—a. **If Petition Granted.** If a petition to open a default be granted, the Chairman of the Trial Commission shall fix a time and place for Trial as if no default had occurred.⁷²

[\$1436] b. If Petition Denied—(I) By Chairman of Trial Commission. If a petition to open a default be denied by the Chairman of the Trial Commission, his determination shall be filed with the decision of such Trial Commission when such decision is filed with the Grand Secretary.⁷³

[\$1437] (II) By Grand Master. If a petition to open a default be denied by the Grand Master, his determination shall be transmitted to the Proctor, who shall file the same in the office of the Grand Secretary and notify the petitioner of the action taken upon his petition.⁷⁴

[\$1438] 6. Denial of Petition to Open Default Appealable. Denial of a petition to open a default is subject to review on appeal.⁷⁵

[\$1439] T. Appeals⁷⁶—1. **Nature and Form of Remedy—**a. **Office of Appeal.** The office of an appeal is to bring before the appellate tribunal, for review and correction, any errors of fact or of law which are by record assigned and alleged to have been committed by the tribunal, from whose determination, decision or judgment the appeal is taken, so that justice may be done to all parties concerned.⁷⁷

70. Code P., §206.

71. Code P., §206.

72. Code P., §207.

73. Code P., §208.

74. Code P., §208.

75. Code P., §209.

76. *Masonic Appeal defined, see supra*, §13.

77. *Matter of Mauger, Commrs. App.*, 1876 p. 104, 105, *Comp.* 183, 184.

[§1440] b. Appellate Authority. The primary appellate authority of Grand Lodge is exercised by the Commission of Appeals, chosen in the manner provided by the Book of Constitutions, which reports to each Annual Communication of Grand Lodge, for its approval, modification or disapproval, in respect of all appeals determined by it during the preceding Masonic year and the decision of Grand Lodge upon such report shall be conclusive upon all parties.⁷⁸

[§1441] c. What Appealable—(I) Decision of Trial Commission—(A) Rule Stated. Except in a case in which the suspension or forfeiture of a Lodge charter has been recommended, an appeal may be taken from any decision of a Trial Commission.⁷⁹

[§1442] (B) Appeal May Be from Whole or Part of Decision. An appeal from a decision of a Trial Commission may be from the decision as a whole, or from any part thereof.⁸⁰

[§1443] (II) Appeal from Denial of Petition to Open Default. An appeal may be taken from any decision denying a petition to open a default.⁸¹

[§1444] d. Who May Appeal. An appeal may be taken by the Proctor or by the accused individual or Lodge.⁸²

[§1445] e. Appeal Matter of Right—(I) Rule Stated. An appeal is not a mere privilege, but a right, provided the aggrieved party comply with the provisions of the Code.⁸³

[§1446] (II) Payment of Costs Not Prerequisite. Payment of the costs of a stenographer is not a condition of the right to appeal.⁸⁴

[§1447] (III) Right to Appeal Unaffected by Unaffiliation. Unaffiliation for non-payment of dues does not affect the right of appeal.⁸⁵

[§1448] 2. Designation of Parties. The parties to a Masonic appeal are respectively the appellant, who seeks the review, and the respondent, against whom the review is sought.⁸⁶

[§1449] 3. How Appeal Taken—a. Notice Required. An appeal must be taken by serving a written notice thereof.⁸⁷

78. Code P., §401.
Commission of Appeals, see *supra*, §§350-360.

79. Code P., §403.

80. Code P., §403.

81. Code P., §403.

82. Code P., §404.

83. Marx v. Kalmus, 1916 p. 152, approved Comp. 747, 748.

84. Matter of Pythagoras Lodge, 1911 p. 230, Comp. 511.

85. Marx v. Kalmus, 1916 p. 152, approved Comp. 747, 748.

86. Code P., §405.

87. Code P., §407.

[§1450] b. **Form of Notice of Appeal.** A notice of appeal must contain a detailed statement of the grounds of appeal.⁸⁸ The following is merely suggestive.

(Caption copied from charges)

PLEASE TAKE NOTICE that *Richard Roe*, the accused in this proceeding, hereby appeals to the Grand Lodge of Free and Accepted Masons of the State of New York from the decision of the Trial Commissioners herein, filed in the office of the Grand Secretary on *(giving date)*, whereby he was declared guilty of acts and conduct tending to impair the purity of the Masonic institution and its usefulness and to cause scandal and to degrade it in public estimation and which are contrary to its principals, obligations and teachings, to wit, public intoxication, and was adjudged to stand suspended from all the rights and privileges of Masonry for a period of one year; and specifies the following as the grounds of his appeal:

1. That the Trial Commissioners erred in deciding that *Joseph Story, Esq.*, should not be allowed to assist him in his defense.

2. That the Commissioners erred in receiving testimony as to appearances of intoxication.

3. That the proofs were not sufficient to warrant their findings of fact.

Dated: May 20, 1951.

Richard Roe

To:

(Naming Proctor and Grand Secretary)

[§1451] c. **Upon Whom Notice of Appeal Served.** An accused individual or Lodge must serve the notice of appeal on the Proctor, while the Proctor serves his notice on the accused individual or Lodge.⁸⁹

[§1452] d. **Time for Serving Notice of Appeal.** The notice of appeal must be served on the opposite party within sixty days of the service of notice of the decision and filing thereof.⁹⁰ Unless served within the prescribed time there is no jurisdiction to hear the appeal⁹¹ and there is no authority for any extension of the time fixed.⁹²

[§1453] e. **Filing Notice of Appeal with Grand Secretary.** A copy of the notice of appeal shall be filed in the office of the Grand Secretary within five days after the service thereof and such filing shall

88. Code P., §406.

89. Code P., §406.

90. Code P., §407.

91. *Matter of Wood*, Comms. App., 1890 p. 161, Comp 225.

92. Code P., §409.

be deemed a jurisdictional requirement failure to comply with which shall result in a dismissal of the appeal.⁹³ There is no authority for any extension or variation of the time thus fixed.⁹⁴

[§1454] 4. Stay of Execution Pending Appeal. Upon application of appellant after service of the notice of appeal, the Grand Master may, in his discretion, stay the execution of sentence pending the final disposition of the appeal.⁹⁵ The application should be on notice to respondent and the provision carries with it an implication that the exercise of the Grand Master's discretion shall not be arbitrary, but based upon facts warranting interference.⁹⁶

[§1455] 5. Grand Secretary to Transmit Papers to Chief Commissioner of Appeals. Upon the filing with the Grand Secretary of a copy of the notice of appeal, he, with all convenient speed, shall transmit all papers pertaining to the case to the Chief Commissioner of Appeals.⁹⁷

[§1456] 6. Notice of Submission or Argument of Appeal—a. Required. Notice of the submission or argument of an appeal is required in all cases and may be given by either party.⁹⁸

[§1457] b. Time of Notice of Submission or Argument. Notice of the submission or argument of an appeal must be served on the opposing party at least ten days before the day when the appeal is to be brought on.⁹⁹

[§1458] c. Form of Notice of Submission or Argument. Notice of the submission or argument of an appeal may be adapted from the following form.

To (*naming adverse party*)

TAKE NOTICE that the appeal in the matter of charges preferred by (*naming and describing complainant as in caption of charges*) against (*naming and describing accused as in caption of charges*) will be moved for argument before the Commission of Appeals of the Grand Lodge at Masonic Hall, in the City of New York, on the 20th day of April, 1951, at 10 o'clock, A. M.

Dated Freetown, April 9, 1951.

John Doe.

93. Code P., §408.

94. Code P., §409.

95. Code P., §410.

96. Matter of W. . . Peter Bianchetti, 1913 p. 253, Comp. 627.

Probable cause existing for an appeal, the proceedings on the decision

or action appealed from may be stayed by the Grand Master. Gibson G. M., 1869 p. 47, Comp. 140, 143.

97. Code P., §411.

98. Code P., §412.

99. Code P., §412.

[§1459] 7. Briefs—*a. Of Appellant.* At least ten days before the date noticed for the argument of an appeal, the appellant shall serve upon the respondent, and at the same time file with the Grand Secretary, three copies of his brief or argument, either typewritten or printed.¹

[§1460] *b. Of Respondent.* Within five days after receipt of appellant's brief, the respondent shall serve upon the appellant, and file with the Grand Secretary, three copies of his brief, either typewritten or printed.²

[§1461] *c. Effect of Failure to Serve and File.* Failure of either party to serve and file a brief shall not prevent the Commission of Appeals from disposing of the appeal.³

[§1462] 8. Presentation and Reservation of Grounds of Review. Objections to regularity of proceedings not taken on the trial are waived⁴ and the rule that questions not raised at the trial will not be noticed for the first time on appeal has been enforced as to objection that the full time to answer was not given,⁵ to the joint trial of two or more jointly charged⁶ and to the insufficiency of the complaint if an offense be charged,⁷ but objections going to the jurisdiction of the trial court may be raised for the first time on appeal.⁸

[§1463] 9. Review—*a. Scope and Extent—(I) May Review Law and Fact.* The Commission of Appeals may review errors both of law and fact.⁹

[§1464] (II) Technicalities. Mere technicalities as a means of avoiding justice are deprecated¹⁰ and no decision shall be reversed for technical irregularity or technical violation of the rules of evidence unless injustice has been done by such violation.¹¹ Hence a judgment was affirmed where all matters urged by the defense were purely technical and not addressed to the merits and the accused had a fair and impartial trial¹² or where there was abundant proof to sustain the findings and judgment of the Trial Commission in dismissing the charges with costs.¹³

1. Code P., §413.

2. Code P., §413.

3. Code P., §413.

4. *Matter of Bernstein*, Comms. App., 1892 pp. 136-137, Comp. 226.

5. *Matter of Wood*, Comms. App., 1890 p. 161, Comp. 225, where accused appeared and answered without objection.

6. *Matter of Bernstein*, Comms. App., 1892 pp. 136-137, Comp. 226, where a separate trial was not demanded.

7. *Gibson G. M.*, 1869 p. 44, Comp. 134, 135.

8. *Matter of Watson*, Comms. App., 1880 p. 53, 54, Comp. 203, 204.

9. Code P., §400.

10. *Young v. Taber*, 1916 p. 155, Comp. 751, 752.

11. Code P., §415.

12. *Matter of Frone*, Comms. App., 1895 p. 207, Comp. 231; *Matter of Openheimer*, 1915 p. 179, Comp. 694.

13. *Abell v. Amazeen*, 1912 p. 275, Comp. 569, approved 1912 p. 272, Comp. 567

[\$1465] b. Presumptions—(I) Good Faith and Ability of Trial Commissioners. Trial Commissioners must be assumed to have acted in good faith and to the best of their ability and their judgment should not be arbitrarily stayed or overruled.¹⁴

[\$1466] (II) Regularity of Judgment. All intendments are in favor of the regularity of the judgment. Error will not be presumed for the purpose of reversal, but must clearly appear from the record.¹⁵

[\$1467] c. Preliminary Proceedings—(I) Failure to Serve Charges. Judgment has been reversed when the accused was not served with a copy of the charges and specifications.¹⁶

[\$1468] (II) Failure to Serve Notice of Trial. Failure to serve notice of the time and place of meeting of the Trial Commission is ground for reversal.¹⁷

[\$1469] d. Charges Failing to Plead an Offense. Judgment has been reversed and the charges dismissed because no Masonic offense was pleaded and the conclusions of law did not constitute a Masonic offense within the Masonic authorities.¹⁸

[\$1470] e. Conduct of Trial—(I) Denying Accused Counsel. Judgment was reversed and a new trial ordered where the accused was denied the assistance of counsel, a Mason of his choice, and another brother was appointed by the Trial Commissioners.¹⁹

[\$1471] (II) Examining Accused Against Himself. A new trial has been ordered where the Trial Commission examined the accused as a witness against himself.²⁰

[\$1472] (III) Excluding Accused During Trial. It has been held ground for reversal that the accused was excluded from the room during the examination of witnesses.²¹

[\$1473] (IV) Failure to Receive Briefs or to Hear Oral Argument. A stipulation for submission and exchange of briefs by counsel was made, but not complied with. A decision of the case without notice to the counsel to furnish the briefs or an opportunity to be heard orally was reversed and a new trial ordered.²²

14. Matter of W. . . Peter Bianchetti, 1913 p. 253, Comp. 627.

15. Comm. on App., 1864 p. 160, Comp. 104; Matter of Pascall, Commrs. App., 1888 p. 187, Comp. 224.

16. 1855 p. 7, Comp. 26; Comm. on App., 1856 p. 147, Comp. 28.

17. Matter of Smith, Commrs. App., 1889 p. 152, Comp. 225.

18. Matter of Graves, Commrs. App.,

1883 p. 102, Comp. 220; Golden Rule Lodge No. 770, 1912 p. 274, Comp. 567.

19. Matter of Wade, Commrs. App., 1896 p. 199, Comp. 231.

20. 1855 p. 7, Comp. 26.

21. 1855 p. 7, Comp. 26, 27.

22. Matter of Boyd, Commrs. App., 1888 p. 185, Comp. 224.

[§1474] (V) Receiving Counsel and Advice as to Decision. It has been held reversible error for the Trial Commission to receive any counsel, advice or direction on the questions pending before them and more especially when given at a private meeting in the absence of the accused and without notice to him.²³

[§1475] (VI) Refusing to Hear Non-Masons. Judgment has been reversed and a new trial ordered in a case where the Trial Commission refused to examine as witnesses persons who were not Masons.²⁴

[§1476] (VII) Testimony Not Reduced to Writing. A judgment has been reversed and a new trial ordered for failure to reduce the proceedings and testimony to writing and having it signed by the witnesses.²⁵

[§1477]. f. Discretion of Trial Commissioners—(I) Adjournment. A new trial was awarded where, on application of counsel appointed by the Commission, an adjournment was refused although a good excuse for defendant not being present had been furnished by affidavit.²⁶

[§1478] (II) Sentence and Punishment—(A) In General. The Commission of Appeals is expressly empowered to modify a sentence imposed by a Trial Commission,²⁷ but has expressed the opinion that ordinarily punishment should not be disturbed on appeal.²⁸ It has, however, modified so much of a judgment as fixed the penalty as censure, by substituting a sentence of expulsion²⁹ and has frequently reduced a sentence as too severe.³⁰

[§1479] (B) Assessing Costs of Trial. Judgment assessing the costs and expenses of trial has been reversed for failure to itemize or explain them³¹ and for want of evidence to justify such a finding.³²

[§1480] (III) Refusing Commission to Take Testimony. It is competent for Trial Commissioners to authorize the issuing of a commission to take the evidence of a foreign witness, and if, on a proper case being made therefor, they err in the denial of the application, their decision will be corrected on appeal.³³

23. Comm. on App., 1864 p. 162, Comp. 104. But see *supra*, §1335.

24. 1855 p. 7, Comp. 26.

25. 1855 p. 7, Comp. 26, 27.

26. Matter of Brunell, 1871 p. 171, Comp. 159.

27. Code P., §415.

28. Matter of Demarest, 1877 p. 79, Comp. 190, 191, a case of appeal from a Lodge trial under the old practice.

29. Gow v. Maccommac, 1917 p. 226, Comp. 803, 805, approved 1917 p. 221, Comp. 797, an appeal from a Lodge trial under the old practice.

30. 1904 p. 233, Comp. 243; 1911 p.

395, Comp. 264, 266, changing expulsion to suspension for five years; Mt. Moriah Lodge No. 27 v. Tamases, 1921 p. 145, Comp. 857, changing expulsion to suspension for four years, a Lodge trial under the former practice.

31. Matter of Boyd, Commrs. App., 1888 p. 185, Comp. 224.

32. Matter of Stoever, Commrs. App., 1911 p. 395, Comp. 264, 266.

33. King G. M., 1862 p. 28, Comp. 74, 83 (60).

Commission to take testimony, see *supra*, §§1291-1316.

[§1481] g. Evidence—(I) Failure of Proof. A judgment of conviction was reversed upon the ground that no competent proof was offered to sustain same.³⁴

[§1482] (II) Hearsay. Judgment reversed because of the receipt of evidence of brothers as to what had been stated to them by others.³⁵

[§1483] (III) New Evidence. Evidence not introduced at the trial cannot be offered on appeal.³⁶

[§1484] (IV) Too Remote. A conviction was reversed because the evidence was too remote in point of time and place from the acts charged in the complaint.³⁷

[§1485] h. Questions of Fact—Conflicting Evidence. When the evidence is conflicting, the appellate tribunal is not warranted in reversing upon the sole ground that in its opinion the trial court should have reached a different conclusion. There must be such preponderance in favor of a contrary conclusion that it can be said with a reasonable degree of certainty that the trial court erred.³⁸ It should appear that injustice was done before the finding should be reversed on a question of fact.³⁹

[§1486] 10. Determination of Appeal and Disposition of Cause—a. Method of Determining. An appeal shall be determined on the record of the case as filed in the office of the Grand Secretary, the briefs and written arguments of the parties, if any shall have been filed, and on the oral argument of either party, if desired by him, who has filed a brief or written argument.⁴⁰

[§1487] b. Decisions Permissible. The decision on an appeal shall be affirmance, modification of sentence or reversal. In case of reversal, a new trial may be ordered in a proper case or the Commission of Appeals may recommend such judgment as may seem just and proper to the end that complete justice may be done without requiring a new trial.⁴¹

34. Golden Rule Lodge No. 770, 1912 p. 274, Comp. 567; Remsen Lodge No. 677 v. Wolcott, 1915 p. 180, Comp. 694.

35. 1855 p. 7, Comp. 26.

36. 1860 pp. 167-168, Comp. 62; 1911 p. 420, Comp. 271.

37. Walton Lodge No. 559 v. Butter, 1917 p. 228, Comp. 805, *approved* 1917 p. 221, Comp. 797.

38. Gallauer's Case, Comms. App., 1907 pp. 218-220, Comp. 245; Rondout Lodge No. 343 v. Roberts, 1921 p. 142, Comp. 852, 857; Citizens Lodge

No. 628 v. Davis, 1924 p. 190, Comp. 878, 880.

39. Matter of Tygert, Comms. App., 1882 p. 92, Comp. 219.

40. Code P., §414.

41. Code P., §415. See also Kings County Lodge v. Stengel, 1914 p. 162, Comp. 646, 649; In the Matter of Alcyone Lodge No. 695, 1916 p. 158, Comp. 754, in both which cases a judgment of expulsion from the Lodge was amended to read expulsion "from the rights and privileges of Masonry" and as thus modified affirmed.

[§1488] c. **Effect of Decision**—(I) **Rule Stated.** The decision of Grand Lodge upon the report of the Commission of Appeals shall be conclusive upon all parties.⁴²

[§1489] (II) **When Sentence Modified.** When on appeal the sentence contained in the judgment appealed from is modified, the judgment of modification supersedes the original judgment and the effect is the same as though the sentence as modified had originally been imposed.⁴³

[§1490] (III) **When Judgment Reversed.** Reversal of a decision suspending or expelling the accused, when approved by Grand Lodge, shall have the effect of restoring him to all the rights and privileges of Masonry, including membership in the Lodge of which he was a member at the time the decision of the Trial Commission was rendered,⁴⁴ but it has been held that reversal of judgment of guilty does not exonerate the defendant from payment of expenses of the trial assessed against him under the Code⁴⁵ and that the Lodge is not bound to pay any part of the expenses of his defense, or of his appeal, unless so ordered by the appellate power.⁴⁶

42. Code P., §401.

43. Comm. J., 1916 p. 201, Comp. 788, 791 (8), *approving* Matter of Stoever, 1915 p. 225, Comp. 741, 746.

Modification and restoration distinguished.—Modification of a sentence and restoration by Grand Lodge are entirely different and based upon entirely different procedure. The former can be exercised only when an appeal has been taken to the Grand Lodge. The latter only upon a petition for restoration. An application for restoration does not question the justice or validity of the judgment or sentence, but is based upon the brother's penitence and appeals to the mercy of Grand Lodge. It is a voluntary act of the latter and cannot be claimed as a matter of right by the brother. It does not restore an expelled brother to his Lodge because it does not change the judgment or sentence which severed his relations to the Lodge. It operates

upon the member alone to relieve him from the punishment. The determination of an appeal, on the other hand, operates directly upon the judgment or sentence appealed from. When such determination modifies the sentence, as in the present case, it must of necessity supersede the original sentence of the Lodge. Otherwise the modification would be a nullity. Matter of Stoever, 1915 p. 225, Comp. 741, 743-744, *approved* Comm. J., 1916 p. 201, Comp. 788, 791 (8).

44. Code P., §416; Simons G. M., 1861 p. 18, Comp. 64 (8); Thorne G. M., 1875 p. 30, Comp. 163, 173 (54), *approved* 1875 p. 231, Comp. 175; Matter of Mauger, Commrs. App., 1876 p. 105, Comp. 183, 184.

45. Lawrence G. M., 1885 p. 27, Comp. 222.

46. Gibson G. M., 1869 p. 47, Comp. 140, 144.

XV. WIVES, WIDOWS, CHILDREN AND ORPHANS

[\$§1491-1495]

A. IN GENERAL [§1491]

B. EFFECT OF REMARRIAGE [§§1492-1495]

1. Generally [§§1492-1494]

a. Rule Stated [§1492]

b. With Another Mason [§1493]

c. With a Profane [§1494]

2. Followed by Separation [§1495]

XV. WIVES, WIDOWS, CHILDREN AND ORPHANS.

[§1491] A. In General. As has been stated in earlier sections, the wife¹ or child² of a living brother may, under certain circumstances, be admitted to the Home at Utica and the widow or children of a deceased Master Mason, who died in good standing, if in distress and worthy, are entitled to relief in the same circumstances as would have entitled him to relief if he were living.³

[§1492] B. Effect of Remarriage—1. Generally—a. Rule Stated. The right of a widow to relief must be determined by her status at the time of her application therefor. By remarriage she loses her claim upon the charity of the Fraternity as the widow of her Masonic husband.⁴

[§1493] b. With Another Mason. The widow of a Mason who marries another brother must base her claim upon the Fraternity through her relationship with her second husband.⁵

[§1494] c. With a Profane. The widow of a Mason who marries a profane dissolves her relation to the Fraternity.⁶

[§1495] 2. Followed by Separation. Separation of a brother Mason from his wife, who, before the marriage, was the widow of a brother Mason, does not restore to her any rights or privileges as the widow of her former husband.⁷

1. See *supra*, §377.

2. See *supra*, §376.

3. Gibson G. M., 1869 p. 46, *Comp.* 138, 139.

Admissions to Home at Utica, see *supra*, §§375-377.

Assessment to provide relief of, see *supra*, §§700, 705.

Appropriation to provide relief of, see *supra*, §746.

Right to relief, see *supra*, §813.

Surrender of children by Home, see *supra*, §378.

Wearing Masonic emblem, see *supra*, §§1073, 1142.

4. In the Matter of Mystic Tie Lodge No. 272, 1913 p. 221, *Comp.* 583, 591.

5. In the Matter of Mystic Tie Lodge No. 272, 1913 p. 221, *Comp.* 583, 591.

6. In the Matter of Mystic Tie Lodge No. 272, 1913 p. 221, *Comp.* 583, 591.

7. In the Matter of Mystic Tie Lodge No. 272, 1913 p. 221, *Comp.* 583, 591.

SUPPLEMENT

Digests of approved decisions since 1952 are classified as in the original Handbook of Masonic Law of New York, using the same paragraph numbers for similar subjects and paragraph numbers followed by a letter for related subjects. Paging continues from the original Handbook, but the chapter headings are not repeated.

SUPPLEMENT
to the
HANDBOOK
of
MASONIC LAW
of
NEW YORK

compiled by
NORMAN ROTH

1977

Revised 1986

§15 The jurisdiction of this Grand Lodge is hereby divided into four Regions, designated and defined as follows: (A) Metropolitan Region . . . (B) Mid-State Region . . . (C) Hudson-Champlain Region . . . (D) Western Region . . . *Constitutions, Section 110, Adopted 1975 page 37.*

§30 Funeral service is suggested, not mandatory. *Re Red Jacket Lodge No. 646, 1964, page 190, Approved page 127.*

§46 A proxy designated by a Lodge to represent it at a session of Grand Lodge is effective only at a time when neither the Master nor either of the Wardens of the Lodge is in attendance. *Re Ellicottville Lodge No. 307, 1975, pages 34; 118, Approved page 45.*

§53 The Annual Communication . . . is held in the State of New York . . . *Constitutions 103 revised 1986.*

§72 The Grand Master shall appoint four or more sets of tellers . . . *Rules of Order XVIII revised 1982.*

§74 In nominating an officer of Grand Lodge, a Brother shall not be permitted to speak more than five minutes; in seconding a nomination, not more than three minutes. *Rules of Order III revised 1984.*

§89 Manner of authenticating credentials of members of foreign Lodges is found in *Constitutions, Section 506. Re Admissions of Foreign Members, 1964, page 205, Approved page 127.*

§131 Make annual Grand Lodge dues \$12.50 (\$9.25 for Grand Lodge expenses and \$3.25 for the Masonic Home at Utica). *Constitutions, Section 600, revised 1986.*

§132 When the Grand Master shall be chosen from the Metropolitan Region, 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 Metropolitan Region, The Deputy Grand Master shall be chosen from the Metropolitan Region. The Senior Grand Warden and the Junior Grand Warden shall be chosen from some part of the State other than the Metropolitan Region. The Grand Treasurer and Grand Secretary shall be chosen from the Metropolitan Region. Membership in a Lodge in a particular Region for at least one year immediately preceding such election shall be controlling in respect to the provisions of this subdivision. *Constitutions, Section 110.1 Adopted 1975, page 37.*

§138 The following officers, namely: A District Deputy Grand Master for each Masonic District, twenty-two Grand Chaplains and such additional Grand Chaplains not exceeding twenty as the Grand Master may deem advisable, Grand Marshal, Deputy Grand Marshal, Grand Standard Bearer, twenty-two Grand Stewards, twenty-two Grand Sword Bearers, twenty-one Grand Directors of Ceremonies, Senior Grand Deacon, Junior Grand

Deacon, Grand Lecturer, Grand Historian. Grand Pursuivant and Grand Tiler, shall be appointed by the Grand Master at the Annual Communication, or within thirty days after the close thereof, to hold office during his pleasure or until their successors are appointed. *Constitutions, Section 111, Adopted 1974, page 45.*

§140 District Deputy is vested with authority upon his appointment. No investiture or warrant is necessary. *Constitutions, Section 109 re Inception of Tenure of District Deputy, 1952, page 39, Approve page 40.*

§140 Tenure of appointive Grand Lodge Officers is from date of appointment. *Matter of Syria-Lebanon District, 1955, page 27, Approved page 49.*

§142 The title of the remaining Grand Officers, including . . . Grand Pursuivant and Grand Tiler shall be "Right Worshipful" *Constitutions, Section 112 revised 1986.*

§146 A brother who attends a communication of Grand Lodge as the representative of another Grand Jurisdiction in its fraternal intercourse with our Grand Lodge is not entitled to reimbursement of the expenses incurred by him in attending such communication. *Matter of Status of Grand Representatives, 1969, page 31, Approved page 69.*

§175 Under the usual policy of the Grand Lodge, the Grand Master declines to answer academic questions. *Matter of Syria-Lebanon District 1955, page 26, Approved page 49.*

§210 Member of a friendly foreign jurisdiction may certify to the assistance of a blind petitioner in filling out a petition, and waiver is proper. *Re Painted Post Lodge No. 117, 1963, page 162, Approved page 112.*

§293 The Grand Lecturer also has the power, subject to the approval of the Grand Master, to appoint one Regional Assistant Grand Lecturer as an assistant to the Grand Lecturer in each Masonic Region. *Constitutions, Section 123, Adopted 1976, page 31-32.*

§303 Judge Advocate should not answer questions of general law. *Constitutions, Section 126, opinions re General Law, 1952, page 27, Approved page 40.*

§303 The Judge Advocate and the Proctor shall each be a . . . duly licensed attorney and counselor at law of the State of New York in good standing. *Constitutions 126 revised 1985.*

§303 The Grand Master shall also appoint for each of the Regions . . . a Regional Deputy Proctor who shall possess the same qualifications as the Proctor, and shall hold membership in a Lodge in the Region for which he is appointed. *Constitutions 126 revised 1985.*

§308 In his own District, a District Deputy Grand Master is at all times the personal representative of the Grand Master and entitled to the respect and deference due the Grand Master whom he represents. *Re District Deputy Grand Masters, 1965, page 48, Approved page 143.*

§308 District Deputy is vested with authority upon his appointment. No investiture or warrant is necessary. *Constitutions, Section 111 re Inception of Tenure of District Deputy, 1952, page 39, Approved page 40.*

§322 The treasurer of a Lodge is required to exhibit all records of the Lodge with regard to disbursements in his custody, upon request, to the District Deputy Grand Master. A member of the Craft is subject to Masonic discipline for use of disrespectful language or conduct toward a District Deputy Grand Master acting in his official capacity. *Re Orion Lodge No. 717, 1971, pages 26, 117-118, Approved page 73.*

§334 The Custodians of the Work shall have general administrative authority over all the duties and functions of the Grand Lecturer and his assistants. *Rules of Order XI.9 revised 1984.*

§337 The accounts of the Grand Treasurer, Grand Secretary, Trustees of the Masonic Hall and Asylum Fund, Masonic Medical Research Laboratory, Masonic Brotherhood Foundation, and the Tappan Washington Memorial Corporation shall be examined by the Committee on Finance . . . *Constitutions 119 revised 1978.*

§343 The Committee on Masonic Education shall consist of such number as the Grand Master shall appoint, and whose duties shall be to develop, organize, and make available Masonic knowledge and services to the end that Lodges and Grand Lodge committees may more effectively provide Masonic enlightenment for candidates and members.

The Committee on Lodge Service shall consist of such number as the Grand Master shall appoint and its duties shall be to develop, organize, and make available to Lodges programs and service for the better training of Lodge officers and leadership of the members. *Rules of Order XI, subs. 11, 11.1, Adopted 1974, page 83.*

§344 A committee to be known as the Board of Grand Masters, to consist of all the Past Grand Masters, under the chairmanship of the immediate Past Grand Master. *Rules of Order XI.3 Adopted 1983.*

§359 The Commission of Appeals, when an appeal has been filed, shall fix a suitable date for the hearings of such appeal. *Code of Procedure, Sec. 402, Adopted 1974, page 44.*

§388 Change the name of the Masonic Foundation for Medical Research and Human Welfare to "Masonic Medical Research Laboratory". *Constitutions, Sections 102, 250, 521, Adopted 1975, page 36, 1976; page 31.*

§388 Masonic Medical Research Laboratory . . . shall consist of fifteen members . . . *Constitutions 250 revised 1978.*

§389 Raise from 9 to 15 the total number of members of the Masonic Foundation for Medical Research and Human Welfare. *Constitutions, Section 250, Adopted 1973, page 34.*

§389 Matter of Masonic Foundation for Medical Research and Human Welfare, wherein it was held that an increase in the number of members of the Foundation becomes effective upon the filing of a certificate of amendment of the certificate of incorporation authorizing such increase in the Department of State of the State of New York. An amendment of the Book of Constitutions is not necessary to make the change operative. *Report of the Judge Advocate, 1972, page 31, 120-122, Approved page 76.*

§417 The George Washington Masonic Shrine at Tappan, also known as the De Wint House National Historic Shrine, shall continue to be owned, maintained, and governed by the Tappan Washington Memorial Corporation . . . whose officers shall be . . . by virtue of their respective Grand Lodge offices *Constitutions 285, Adopted 1985.*

§421 A single or dual member may petition for a dispensation to form a new Lodge. A trustee is an elected officer and may not so petition. *Constitutions, Section 327. Re Petition for Dispensation for a new Lodge, 1953, page 36, Approved page 47. Re Publicity see Rising Star Lodge No. 103, 1953, page 38, Approved page 47.*

§422 A petition to form a Lodge to meet at a place which is not within the geographical limits of a city requires the recommendation of all Lodges "whose jurisdiction would be affected by such new Lodge." *Report of the Judge Advocate, 1976, pages 36, 91-92, Approved page 38.*

§447 The jurisdiction of all Lodges over candidates residing in New York State shall be concurrent. *Constitutions, Section 342, revised 1984.*

§465 Removal from the territorial jurisdiction of a Lodge to which a petition for initiation has been presented with intent to acquire permanent residence elsewhere before the petition has been received and referred at a Stated Communication, deprives such Lodge of jurisdiction and a waiver is necessary; removal after receipt and reference does not, and jurisdiction for investigation and balloting is retained. *Re Champlain Lodge No. 237, 1966 page 33, Approved page 76.*

§465 Residence means domicile and waiver may be necessary . . . *Re St. George's Lodge No. 6, 1964, page 188, Approved page 127.*

§465 Voting may be a weak inference of permanent residence; but the burden of establishing domicile is on the Lodge. (*Constitutions, Section 344,*) *Re Civic Lodge No. 853, 1956, page 32, Approved page 50.*

§467 No waiver is necessary for a non-resident who lives in a Country where we don't recognize the Grand Lodge. *Constitutions Section 344, Handbook Section 467B, Matter of Lodge of the United Services No. 1118, 1952, page 28, Approved page 40.*

§468 The language of Sec. 344 of the Constitutions does not extend the territorial jurisdiction set forth in Sec. 342. The effort of the exception is merely to remove the necessity of procuring a waiver from the foreign jurisdiction with respect to non-resident members of the United States Naval and Military service . . . *Re Military Jurisdiction, 1965, page 46, Approved page 143.*

§468 Person who retires from Armed Services and becomes a civilian employee of one of the services gets no special jurisdictional status under Section 344 of the Constitutions. *Re Hebron Lodge No. 813, 1963, page 149, Approved page 112.*

§469 Removal from the territorial jurisdiction of a Lodge to which a petition for initiation has been presented with intent to acquire permanent residence elsewhere before the petition has been received and referred at a Stated Communication, deprives such Lodge of jurisdiction and a waiver is necessary; removal after receipt and reference does not, and jurisdiction for investigation and balloting is retained. *Re Champlain Lodge No. 237, 1966, page 33, Approved page 76.*

§480 A demit to a California E A is equivalent to a waiver so as to permit advancement and membership in a Lodge here. *Constitutions Section 365, Re Military Lodge No. 93, 1953, page 37, Approved page 47.*

§492 A by-law providing for a preliminary investigation prior to submission of a petition is void. *Re St. Nicholas Lodge No. 321, 1962, page 37, Approved page 113.*

§492 By-law requiring examination of all applicants by a membership committee which has power only to advise rather than reject, is all right. (*See Handbook, Section 492, Matter of Springfield Gardens Lodge No. 1057, 1954, page 24, Approved page 33.*)

§493 One who has assumed and used the name other than his family name may petition and be carried thereunder. *Re Jerusalem Temple Lodge No. 721, 1953, page 37, Approved page 47.*

§497 Conviction of a crime after a Brother has resigned where no Masonic charges were preferred is not in and of itself disqualification for membership in the Craft. *Re Tyrian Lodge No. 618, 1966, page 34, Approved page 76.*

§497 Previous conviction of a crime is not, in and of itself, disqualification to membership. *Re Portville Lodge No. 579, 1955, page 20, Approved page 49.*

§498 Since amendment of 1945 to Section 346 of the Constitutions, a dispensation to a deaf candidate is proper. *Re Otsensingo Lodge No. 435, 1961, page 32, Approved page 51.*

§498 Loss of three fingers on the left hand is not such a disability as to impair the ability to reasonably conform to the ritual and no waiver is necessary. (*Constitutions, Section 346*) *Etna Lodge, No. 1090, 1938, page 33, Approved page 60.*

§498 When a leg is amputated above the knee and replaced by a servicable artificial limb, a dispensation is proper under Constitutions Section 346. *Re Bedford Lodge No. 574, 1963, page 156, Approved page 112.*

§498 Grand Master may forbid the initiation of a Hemophiliac. *Re Eden Lodge No. 0139, 1962, page 42, Approved page 113.*

§500 Belief in one everliving and true God and in the immortality of the soul are indispensable conditions for initiation; one who does not unequivocally answer either question in the affirmative lacks an essential qualification to become a Mason; if he has been raised, he should be prosecuted under Section 5 of the Code of Procedure; after receipt and reference, a petition is part of the permanent records of the Lodge and may not be altered. *Re Utopia Lodge No. 1084, 1966, page 34, Approved page 76.*

§502 The initiation of a non-resident without a waiver is void. *Re Richmond Lodge No. 66, 1962, page 31, Approved page 113.*

§505 Only a Master Mason may affiliate. (*Constitutions, Section 340 (4) and 600. Matter of Syria-Lebanon District, 1955, page 29, 31, Approved page 49.*

§519 Lodge may permit women to act as reference if it desires. *Re Rondout Lodge No. 343, 1958, page 43, Approved page 60.*

§520 Where a brother executed the certificate required of a proposer and forwarded the petition of a candidate, which was in due form, to the Secretary of the Lodge, the petition was required to be acted upon notwithstanding the fact that the proposer had died prior to its presentation to the Lodge. *Matter of Keystone Lodge No. 235, 1968, page 35, Approved page 81.*

§520 Reading of petition by secretary constitutes receipt by the Lodge and a motion not to receive is out of order. It is the duty of the Master

to refer it to the investigating committee. No motion is necessary. *Matter of Riverhead Lodge No. 645, 1956, page 32, Approved page 50.*

§522 Rejection of a candidate by the investigating committee is void; the petition is still pending and no other Lodge has jurisdiction. *Re Evans Lodge No. 261, 1960, page 46, Approved page 52.*

§524 A petition properly received may not be withdrawn and is properly referred to an investigating committee the same night. (*Constitutions, Section 352, 353*) *Re Second Queens District, 1958, page 40, Approved page 60.*

§525 Petition for membership which requires a waiver may be withdrawn by the written request of the petitioner presented to a Stated Communication (and by him alone, before the waiver has been received or action taken). *Re Woodbury Lodge No. 993, 1954, page 20, Approved page 33.*

§529 An elected petitioner may request in writing the withdrawal of his application and the Lodge shall vote thereon. *Re Northshore Lodge No. 1149, 1958, page 44, Approved page 60.*

§530 A petition properly received may not be withdrawn and is properly referred to an investigating committee the same night. (*Constitutions, Sections 352, 353*) *Re Second Queens District, 1958, page 40.*

§530 Reading of petition by secretary constitutes receipt by the Lodge and a motion not to receive is out of order. It is the duty of the Master to refer it to the investigating committee. No motion is necessary. *Matter of Riverhead Lodge No. 645, 1956, page 32, Approved page 05.*

§530 By-laws requiring that no member of an investigating Committee be related to an applicant is contrary to the Constitutions. (*Section 352*) *Re Wamponam Lodge No. 437, 1959, page 32, Approved page 59.*

§531 Petitions for initiation, affiliation and waiver of jurisdiction are referred to an investigating committee when received. No motion therefor is necessary. Minutes should record the proceedings as they are, different wording in form books of minutes notwithstanding. *Re Reception of Petition and Balloting, 1966, page 33, Approved page 76.*

§534 All three members of a membership committee must report. *Re Wadington Lodge No. 393, 1958, page 28, Approved page 60.*

§534A A brother, notwithstanding that he may not be a member of the Investigating Committee, has the right to make due inquiry with regard to character and qualifications of a candidate. *Re Galileo Lodge No. 1052, 1972, page 122.*

§535 Rejection of a candidate by the investigating committee is void; the petition is still pending and no other Lodge has jurisdiction. *Re Evans Lodge No. 261, 1960, page 46, Approved page 52.*

§543 Members may be unaffiliated by a collective vote, if there is no objection. *Re Mariner's Lodge No. 67, 1938, page 46, Approved page 60.*

§543 Petitioner may not be rejected on a collective ballot. (See discussion on balloting). Constitutions, Section 354, 322. *Matter of Howard Lodge No. 35, 1953, page 42, Approved page 47.*

§544 After Committee has reported, Master may postpone balloting before it has commenced. *Matter of Syria-Lebanon District 1955, page 30, Approved page 49.*

§545 Chairman of the investigating committee wrote to Lodge rejecting affiliation petition and requested:

1. Report of investigating committee
2. Reason for rejection, if known
3. Request that any members knowing why applicant should not become a member of the Lodge, to contact him.

The addressee refused on the ground that such disclosure is prohibited by a Masonic Law. The refusal was upheld, but the committee on Masonic Jurisprudence stated that the Master or Investigating Committee was to have the complete right to inquire of another Lodge or its members with respect to any petitioner. *Re Lockport Lodge No. 73, 1963, page 157, Approved page 112.*

§550 Where one Warden reports "clear" and another "Cloudy" rejection of petition by Master without reconciling the discrepancy makes the ballot void. *Matter of Van Cortlandt Lodge No. 1034, 1954, page 26, Approved page 33.*

§551 Master may destroy two ballots even though Wardens have announced; if Master announces, the ballot is final and rejection complete. (Constitutions, Section 353) *Re Philipstown Lodge No. 236, 1960, page 36, Approved page 52.*

§552 No candidate may be rejected on a cloudy collective ballot, whether or not the Master announces. The ballot counts as one of the three permitted. Individual ballots shall be taken immediately before any member leaves the Lodge room, if not, such ballot shall be taken at a subsequent communication to which the Lodge has been summoned. *Re New Hope Lodge No. 730, 1965, page 47, Approved page 143.*

§556 No adverse ballot, regardless of cause, may be reconsidered. Constitutions, Section 353. *Re Clio Lodge No. 779, 1953, page 38, Approved page 47.*

§560 No reason for objection to initiation or advancement of a candidate under Constitutions, Sections 358, need be stated. *Matter of Syria-Lebanon District, 1955, page 21, Approved page 49.*

§563 An absent member may demand a re-ballot if absent on Lodge business. (*Constitutions, Section 358*) and on any other question where a right to vote is demanded, previous vote is void if result could be changed. *Re Syria-American Lodge No. 1, 1952, page 37, Approved page 40.*

§573 When advancement has been arrested for six months, a Brother may petition another Lodge. A waiver is needed from the original Lodge. The second Lodge may charge an affiliation fee. *Richmond Masonic Association Inc., 1959, page 46, Approved page 59.*

§576 Requirement of proficiency in the third degree before signing by-laws is void. *Hornellsville Lodge No. 331, 1953, page 38, Approved page 47.*

§582 One who has dimit, but has not signed the by-laws of the Affiliation Lodge is a non-affiliate. *Re Johnson City Lodge No. 970, 1959, page 36, Approved page 59.*

§583 Mere lapse of time between election to membership by affiliation and signing the by-laws does not render such election irregular or void. Neither does unaffiliation for non-payment of dues in the meantime, if restored and in possession of a proper dimit or certificate. Membership may be consummated by the signing of the by-laws, always subject to the right of any member to demand a new ballot and the right of the Master to have another investigation. *Re Kingston Lodge No. 10, 1966, page 33, Approved page 76.*

§589 A lapse of sixteen years does not in and of itself bar a candidate from going on to the second and third degrees. *Re Architect Lodge No. 519, 1964, page 204, Approved page 127.*

§590 The Grand Master has the power to waive the suitable proficiency requirement with respect to the lectures of each degree. *Re Randolph Lodge No. 359, 1966, page 34, Approved page 76.*

§599 Failure of a Treasurer to produce Lodge records on request of the District Deputy constitutes disobedience of lawful Masonic authority and is a Masonic offence. *Re Orion Lodge No. 717, 1971, page 117.*

§609 There is no requirement that by-laws be approved and no Grand Lodge Officer is authorized to approve them; they may request advice, otherwise the Lodge acts at its peril. *Re Syria-Lebanon District 1955, page 29, Approved page 49.*

§610 A valid by-law is as binding upon the Master as it is upon every other member of the Lodge. Where there is a variance between a Master's

statement in a Lodge notice and a by-law, the latter controls. *Re Citizens Lodge No. 628, 1966, page 33, Approved page 76.*

§610 No By-law may alter the provisions of Sec. 302 of the Constitutions with respect to the manner of election of Lodge Officers. *Re Fairport Lodge No. 476, 1965, page 48, Approved page 143.*

§611 Changing By-laws have no retroactive effect. *Matter of Manetto Lodge No. 1025, 1954, page 31, Approved page 33.*

§612 Unless the by-laws call for a Summoned meeting, they may be amended at a regular Communication. *Re Poughkeepsie Lodge No. 266, 1957, page 40, Approved page 61.*

§612 A by-law change was set forth in the Master's portion of a Lodge notice for action at a meeting which was not Summoned. The by-laws didn't prescribe any particular notice or call for a Summons. As a matter of fact, the notice itself was full and complete. The proceeding was regular because the by-laws govern the mode of amending them. *Hiawatha Lodge No. 434, 1959, page 50, Approved page 59.*

§612 By-laws prescribe method of amendment but generally action must be taken at a Stated Communication. *Re Mt. Scopius Lodge No. 1075, 1961, page 40, Approved page 51.*

§612 A Lodge may amend its by-laws to eliminate any financial privileges theretofore granted to members paying dues for 30 consecutive years. One who, at the time the amendment was adopted, had paid dues for 29 years was affected by the amendment inasmuch as his rights under the pre-existing by-law had not vested. The Lodge is not bound by any certificate erroneously issued by its secretary. *Re Oltmans-Clinton Lodge No. 446, 1971, page 26, 113-115, Approved page. 73.*

§614 By-laws may not be "suspended" or altered except as therein provided. *Re Aquila Lodge No. 700, 1953, page 40, Approved page 47.*

§620 A by-law providing for a preliminary investigation prior to submission of a petition is void. *Re St. Nicholas Lodge No. 321, 1962, page 37, Approved page 113.*

§620 A Lodge may provide in its by-laws for the appointment of a membership Committee provided that the powers of such committee do not impinge upon the powers granted to an Investigation Committee by the Book of Constitutions. *Re Galileo Lodge No. 1052, 1972, pages 31, 122-124, Approved page 76.*

§622 Every Lodge organized under the Benevolent Orders Law of the State of New York should have a by-law calling for a stated number to constitute a quorum. *Report of the Judge Advocate, 1972, page 31, Approved page 76.*

§622 There is no statutory provision which calls for a given number to constitute a quorum. (*Constitutions, Sections 300, 302, 319*) *Re Syria-Lebanon District Grand Lodge, 1960, page 31, Approved page 52.*

§622 A by-law may establish twenty-one members as a quorum. *Re Prince of Orange Lodge No. 16, 1960, page 35, Approved page 52.*

§623 Meeting time provided in by-laws may not be varied by a dispensation. *Re Corning Lodge No. 1038, 1955, page 24, Approved page 49.*

§628 Only Masonic funerals may be held on Sunday. (*Constitutions, Section 503*) *Re Iroquois Lodge No. 715, 1955, page 22, Approved page 49.*

§633 Any communication at a time other than that specified in the by-laws is a Special Communication, and Masonic work thereat without a dispensation is not permissible. *Re Wayne Lodge No. 416, 1953, page 40, Approve page 47.*

§648 A Lodge may elect its organist to honorary membership, provided that he is not a member of the Lodge. *Matter of Nathan Straus Lodge No. 1114, 1961, page 65, Approved page 49.*

§649 A by-law re life membership may be amended at any time before condition is fulfilled. *Re Americus Lodge No. 535, 1959, page 35, Approved page 59.*

§649 A by-law changing the dues of life members after compliance with the pre-requisite therefore is void. *Re Italia Lodge No. 786, 1959, page 38, Approved page 59.*

§649 A by-law creating life membership must treat all members alike. *Re Naval Lodge No. 69, 1960, page 33, Approved page 52.*

§649 Life membership gives only rights defined by by-laws. *Matter of Hebron Lodge No. 813, 1954, page 28, Approved page 33.*

§649 Lump sums paid for life membership are good until they and the interest thereon are exhausted. The member is not relieved of his obligation to Grand Lodge if his Lodge fails to pay. *Matter of Crescent Lodge No. 402, 1953, page 45, Approved page 47.*

§649 Lump sum payments of life memberships must be provided for in by-laws to be good. *Re Beacon Lodge No. 203, 1955, page 24, Approved page 49.*

§649 Once requirements of by-laws have been met, their change cannot affect vested rights. *Re Manitou Lodge No. 106, 1957, page 41, Approved page 61.*

§649 Life or privileged membership dependent upon approval and certification by a committee from a class of eligible members and which becomes effective the first of the year following such approval and certifica-

tion, does not come automatically. Such a by-law is void. *Re Aqueshonga Lodge No. 906, 1966, page 33, Approved page 76.*

§649 Member in good standing who has paid dues each year is entitled to life membership under the by-laws. Any change imposed upon the payment of arrears is void. *Re Bethel Lodge No. 733, 1962, page 35, Approved page 113.*

§649 A Lodge may adopt a by-law by which a member may purchase life membership privileges upon payment of a sum believed to be adequate to cover future levies of Grand Lodge dues. *Re Newburgh Lodge No. 309, 1978 page 86.*

§649 By-law cannot destroy vested rights; all members of a Class must be treated alike. *Re Seawanhaka Lodge No. 678, 1964, page 193, Approved page 127.*

§649 Life membership may not be granted for services rendered prior to the by-laws granting it. Lodge may establish different classes of members and fix dues for each class. Constitutions, Section 372. *Matter of Fiat Lux Lodge No. 1079, 1952, page 31, Approved page 40.*

§649 By-law continuing life membership for those raised before a certain date upon subsequent performance of payment for certain number of years or much in a lump sum, and elimination of such memberships for all raised thereafter, is good. *Re Harmonie Lodge No. 699, 1963, page 151, Approved page 112.*

§649 By-laws may be amended at any time and only vested rights are not affected. *Re Chancellor Kent Lodge No. 870, 1952, page 25, Approved page 40.*

§650 For ideas re life membership *Re Cosmopolitan Lodge No. 585, 1955, page 25, Approved page 49.*

§650 Payment of dues for years of unaffiliation does not count toward life membership. *Re Girard Lodge No. 631, 1957, page 48, Approved page 61.*

§650 Period of unaffiliation does not count in computing time for privileged membership. *Re De Molay Lodge No. 498, 1955, page 25, Approved page 49.*

§650 Remission of dues does not qualify for continuous payment of dues for the purpose of life membership. *Re Charter Oak Ldge No. 249, 1957, page 45, Approved page 61.*

§651 Once a member has become a life member, a by-law requiring payment of dues over and above per capita tax is void. *Matter of Marion Lodge No. 278, 1961, page 29, Approved page 51.*

§651 A by-law providing for payment of twenty-five years as a pre requisite for life membership means twenty-five years dues in that Lodge. *Re Justice Lodge No. 753, 1959, page 43, Approved page 59.*

§651 Upon affiliation with the Lodge from which he dimitted, a life member is restored to the same privileges that he had before dimitting. *Re Geba Lodge No. 954, 1965, page 46, Approved page 143.*

§652 By-law is lawfully amended any time before right to life membership is vested. *Re Archimede Lodge No. 953, 1957, page 47, Approved page 61.*

§655 Since amendment of 1945 to Section 436 of the Constitutions, a dispensation to a deaf candidate is proper. *Re Otsensingo Lodge No. 435, 1961, page 32, Approved page 51.*

§655 Loss of three fingers on the left hand is not such a disability as to impair the ability to reasonably conform to the ritual and no waiver is necessary. (*Constitutions, Section 346*) *Etna Lodge, No. 1090, 1938, page 33, Approved page 60.*

§655 When a leg is amputated above the knee and replaced by a servicable artificial limb, a dispensation is proper under Constitutions, Section 346. *Re Bedford Lodge No. 574, 1963, page 156, Approved page 112.*

§660 Requests for "transfer" by a member moving to another jurisdiction amounts to a request for a dimit. *Re Pulaski Lodge No. 415, 1960, page 42, Approved page 52.*

§663 The Lodge may not employ its powers as a Fraternal Organization for the purpose of attempting to collect a commercial obligation. The cost of an ad in a Lodge publication is not an "indebtedness" within the meaning and intent of the Constitutions, Section 369. *Re Prudence Lodge No. 1066, 1965, page 46, Approved page 143.*

§663 Request for a dimit after current year's dues are due—these dues must be paid. *Re Faith Lodge No. 1044, 1959, page 45, Approved page 59.*

§666 A request for a dimit is deemed received by the Lodge when it comes into the possession of a responsible officer of the Lodge. If received by such an officer in December, the Lodge may not require the payment of an additional year's dues because the request was first announced at a meeting held in January. *Report of the Judge Advocate, 1976, pages 36, 99-100, Approved page 38.*

§667 Brother who has dimitted comes back under Constitutions Section 348. *Re Ontario-Senca-Yates District, 1959, page 41, Approved page 59.*

§667 Where a brother recently raised in his father's Lodge had requested a dimit under the mistaken belief that such document was required

to enable him to join another Lodge as a dual member and the dimit had been granted, the granting thereof was permitted to be annulled in view of the fact that, promptly on learning he had been dropped from its rolls, he asserted that he had not intended to disassociate himself from the Lodge and requested reinstatement without the necessity of paying and affiliation fee. *Matter of Citizens Lodge No. 268, 1967, page 65, Approved page 49.*

§673 Dues to belong to a Masonic Club are improperly included in Lodge dues and shall not be considered in clearing any member on the Lodge books. *Re Glens Falls Lodge No. 121, 1953, page 40, Approved page 47.*

§676 Life membership cannot be acquired except by fulfilling the conditions required by the pertinent lodge by-laws. *Re Altman-Clinton Lodge No. 446, 1971, page 113.*

§678 Dues of men in service may not be remitted but by-laws may establish different classes of membership. *Re James W. Husted Lodge No. 1068, 1954. page 21, Approved page 33.*

§678 The dues of an indigent brother may be paid by the Lodge, out of its general funds or out of charity funds permitting such application. The Lodge may not assume the fact of indigency on the basis that the brother had not responded to a request that he remit the amount owed. There must be a finding, based on investigation on the basis of which the Lodge may decide that the Brother who has not paid is in fact indigent. *Matter of New York Charter Oak Lodge No. 249, 1967, page 66, Approved page 66.*

§683 One full year of arrears is necessary to disenfranchise. Penalty for non-payment of dues is unaffiliation; it is no bar to holding office. Unaffiliation is not automatic. *Re Philipstown Lodge No. 236, 1961, page 38, Approved page 51.*

§683 A resolution proposing that no elective officer be installed until his dues payable on January 1 are paid is void. (*Constitutions, Section 304.*) *Re Painted Post Lodge No. 117, 1963, page 153, Approved page 112.*

§684 E.A. or a F.C. cannot be unaffiliated; only a Master Mason. *Matter of Syria-Lebanon District No. 3, 1955, page 24, Approved page 49.*

§684 E.A. cannot be unaffiliated. *Re Iroquois Lodge No. 715, 1955, page 24, Approved page 49.*

§687 An elected candidate who becomes insane can not be balloted upon a second time until he presents himself for initiation. An insane Brother may not be unaffiliated. *Re Second Queens District, 1960, page 38, Approved page 52.*

§687 A brother who has been found mentally incompetent may not be unaffiliated but must be carried on the rolls of the Lodge by application of the general funds of the Lodges to the payment of his dues. *Re Emanuel Lodge 654, 1975, page 35, 117, Approved page 45.*

§688 When a delinquent Brother has been duly summoned for the non-payment of dues, the fact that the summons sent to the last known address that the Lodge has, is returned, does not impair the validity of the unaffiliation. *Re Woodhull Lodge No. 982, 1965, page 48, Approved page 143.*

§689 Failure to hear from a member creates no presumption of death. He must be carried, or summoned and unaffiliated. *Matter of Island City Lodge, No. 586, 1956, page 33, Approved page 50.*

§695 Assessments may be levied only for strictly Masonic purposes. (Constitutions, Section 371) and then only if the Lodge has insufficient funds to meet its obligations. *Matter of St. Paul's Lodge No. 124, 1952, page 34, Approved page 40.*

§695 An assessment is proper if for strictly Masonic purposes, but Lodge funds cannot be hoarded. *Re Pyramid Lodge No. 490, 1961, page 34, Approved page 51.*

§698 Assessments for fire insurance premiums cannot be had unless the obligation has been incurred and there are insufficient Lodge funds to pay the bill. *Matter of Stissing Lodge No. 615, 1957, page 33, Approved page 61.*

§699 Assessments for fire insurance premiums cannot be had unless the obligation has been incurred and there are insufficient Lodge funds to pay the bill. *Matter of Stissing Lodge No. 615, 1957, page 33, Approved page 61.*

§710 Life member is liable for an assessment for a strictly Masonic purpose. All members must be treated alike. An annual assessment or fixed charge is dues and contrary to Masonic Law. *Re Hiram Lodge No. 105, 1961, page 31, Approved page 51.*

§710 Life member cannot be charged with annual payments under the guise of a continuing assessment. *Matter of Laurel Lodge No. 792, 1957, page 39, Approved page 61.*

§726 A Lodge may permit an applicant to pay his initiation fee in instalments, but may not initiate the applicant until he shall have paid the full amount of the initiation fee fixed by its by-laws. *Matter of Cortland-Madison District, 1967, page 65, Approved page 49.*

§741 All funds of a Lodge, or any instrumentality of a Lodge are Lodge funds. A Lodge may use its own funds, when solvent, for any worthy object.

But they must be disbursed by the Lodge, not a Committee. (*Constitutions, Section 312*) *Re Evergreen Lodge No. 1139, 1958, page 36, Approved page 60.*

§743 Where no by-law is involved, the adoption of a budget at the Stated Communication does not make the act of the Master for incurring expense for refreshments, specifically eliminated therefrom, a Masonic offense where the Lodge votes to pay the bill thereof. Any resolution may be modified by majority vote of the Lodge. *Re Expenditures Outside the Budget, 1966, page 34, Approved page 76.*

§743 The funds of a Lodge may be committed only by its order. A district officer may not direct that a Lodge undertake certain expenses in connection with the holding of a district function. *Matter of Jefferson District 1967, page 65, Approved page 49.*

§743 The by-laws of a Lodge require that funds be distributed only upon warrant or voucher signed by the Master and Secretary. By stamping the word "approved" on an invoice, signing and dating thereunder the Master and Secretary, executed an adequate warrant or voucher. *Re Shakespeare Lodge No. 750, 1976, pages 36, 93-94, Approved page 38.*

§744 A Lodge may appoint a committee to grant relief within prescribed limits. *Re Eden Lodge No. 1039, 1964, page 201, Approved page 127.*

§744 Contribution may be made from a Lodge memorial fund to the Trustees of the Masonic Hall and Asylum Fund provided such contribution is of a sum not required by the memorial fund for the relief of the intended beneficiaries of said fund. *Re Shakespeare Lodge 750, 1978 page 87.*

§764 Non-affiliated or unaffiliated Mason may be given relief and Masonic burial; so may the widow of one such. It is discretionary. Only unworthy, suspended or expelled Masons are forbidden these privileges. (*Constitutions, Section 370*) *Re Eligibility of widow of former Member, 1964, page 191, Approved page 127.*

§757 The award of a door prize to the winner of a drawing participated in, without charge, by all persons attending meeting or gathering is not prohibited. *Re Renovation Lodge No. 97, 1976, pages 36, 94-95, Approved page 38.*

§757 A proposed card tournament is contrary both to the spirit and laws of Masonry of the State of New York. *Re New London Lodge 420, 1979 page 69.*

§757 Operating or otherwise participating in any Bingo enterprise is inappropriate for an institution that expects its members to persevere in the practice of commendable virtues, and no Lodge may be engaged in or in any manner involved in such activity. *Re Matinecock Lodge No. 806, 1975, pages 114-117, Approved page 45.*

§757 No Mason, Masonic Group or affiliated group and no Masonic premises shall be used for any gambling, lottery or gift enterprise, the winners to be determined by lot or chance. This includes bingo. *Re Tri-Po-Bed Grotto, Poughkeepsie, 1958, page 43, Approved page 60.*

§757 Raffle is lottery and any organization whose membership is conditioned on Masonic membership which runs one, subjects its Masonic members to prosecution. *Re Order of Golden Chain, 1954, page 23, Approved page 33.*

§760 Masonic Lodges and Eastern Star Chapters may not form a joint corporation under Benevolent Order's Law *Re Beukendaal Lodge No. 915, 1957, page 50, Approved page 61.*

§764 No Lodge shall enter into an insurance contract of any kind for its membership. *Re Charity Lodge No. 727, 1960, page 44, Approved page 52.*

§777 Any accepted translation of the Bible is proper. *Re New revised addition of the Bible, 1953, page 39, Approved page 47.*

§778 Permanent hanging of portraits of living persons in Lodge room, not permitted. *Matter of Tyrian Lodge No. 925, 1956, page 33, Approved page 50.*

§785 A two-thirds vote to change the place of meeting means affirmative vote of that percent regardless of those not voting. (*Constitutions, Section 343*) *Re Merchants Lodge No. 707, 1952, page 26, Approved page 40.*

§785 Changing the meeting place of a Lodge may be done by a two-thirds $\frac{2}{3}$ vote. If it is to another Town, City or part of a City, the Grand Master must consent. It does not, even then, change its District or jurisdiction. (*Constitutions, Section 343*) *Matter of Clinton Lodge No. 453, 1956, pages 33, 38, Approved page 50.*

§786 Changing the meeting place of a Lodge may be done by a two-thirds $\frac{2}{3}$ vote. If it is to another Town, City or part of a City, the Grand Master must consent. It does not, even then, change its District or jurisdiction. (*Constitutions, Section 343*) *Matter of Clinton Lodge No. 453, 1956, pages 33, 38, Approved page 50.*

§787 When an emergency renders a Lodge room temporarily unoccupiable, no dispensation is required to hold communications in adequate quarters in the immediate or near vicinity. *Re Beukendaal Lodge No. 915, 1965, page 46, Approved page 143.*

§799 Only such publicity as tends to disclose information with regard to secrets of the Fraternity is prohibited in Lodge notices. *Report of the Judge Advocate, 1976, pages 36, 100-101, Approved page 38.*

§800 Notices under hand book. Section 799 and 800 may be sent by any class of mail if the requirements of the Sections are met. *Re Masonic School of Instruction, Erie County, 1960, page 39, Approved page 52.*

§801 A Lodge Cemetery Association for Masons generally is a business venture and not approved. *Re Batavia Lodge No. 475, 1962, page 34, Approved page 113.*

§801A Business enterprises conducted by Lodges are not sanctioned. *Re Schenevus Valley Lodge No. 592, 1961, page 48, Approved page 51.*

§801A A charitable membership corporation whose members belong to and whose Board of Directors are the Past Masters of one Lodge may not undertake an insurance plan for medical needs. *Re Modin Foundation, Inc., 1963, page 145, Approved page 112.*

§803 Float of a Lodge room in the Civic Parade is taboo. *Re Antwerp Lodge No. 266, 1954, page 21, Approved page 33.*

§804 Conferring the title of "Emeritus" upon a worthy member of a Lodge is not the prerogative of a Master; it belongs to the Lodge. *Re Clermont Lodge No. 996, 1966 page 34, Approved page 76.*

§813 Non-affiliated or unaffiliated Mason may be given relief and Masonic burial; so may the widow of one such. It is discretionary. Only unworthy, suspended or expelled Masons are forbidden these privileges. (Constitutions, Section 370) *Re Eligibility of widow former Member, 1964, page 191, Approved page 127.*

§820 Procedure on restorations of unaffiliates, see *Matter of Hobasco Lodge No. 716, 1952, page 26, Approved page 40.*

§822 Where a deceased Brother has been unaffiliated, such action may not be rescinded. Section 367 of the Constitutions prescribes the only manner of restoration. *Re Second Queens District, 1960, page 38, Approved page 52.*

§824 An application for restoration to membership made by one who has been unaffiliated for non-payment of dues may not be voted upon unless the applicant's indebtedness to the Lodge has been paid. Any vote taken by the Lodge upon such an application prior to the payment of the applicant's indebtedness is void. *Matter of Tyrian Lodge No. 618, 1969, page 30, Approved page 69.*

§826 Upon a restoration, a majority vote at a Summned meeting is enough. (Code of Procedure, Sections 500-505)

§826 A non-affiliated Mason who has voluntarily withdrawn from his Lodge by requesting a dimit subsequently granted, wishing to restore his membership in the Lodge from which he was dimitted, may be restored

to membership at any stated communication of said Lodge by a majority vote taken by a show of hands, provided that the appropriate dues for the current year have been paid except that any such non-affiliated brother who shall have been non-affiliated for five years or more shall not become a member of such Lodge except by unanimous vote by ballot. *Constitutions, Sections 348, 348A, 1976, Adopted 1977, page 34.*

§828 One who petitions for reinstatement within five years after unaffiliation for non-payment of dues is entitled to restoration upon making the requisite payments, if his petition is approved by a majority vote taken by a show of hands. The vote taken by secret ballot was void. *Re Charlotte Lodge No. 1088, 1976, pages 36, 90-91, Approved page 38.*

§830 Membership lost by dual member for unaffiliation in second Lodge. Within three years application for restoration in second Lodge was refused and proffered indebtedness returned. Clearance certificate was given Grand Secretary under protest but indebtedness was returned to petitioner. He was restored in his home Lodge within three years. When the indebtedness is paid or tendered, a Lodge may accept or reject the Brother for restoration; if rejected he is entitled to a clearance certificate. With that he may be restored in the original Lodge. Affiliation is not necessary. *Re Horseheads Lodge No. 364, Advance Lodge No. 635, 1963, page 163, Approved page 112.*

§835 Degree may be exemplified by a team from a foreign jurisdiction under dispensation, but no fee may be charged. (*Constitutions, Section 366*) *Matter of Emanuel Lodge No. 654, 1953, page 39, Approved page 47.*

§842 Except where the Constitutions otherwise provide, a rising vote is as good as one by show of hands. *Matter of Radiant Lodge No. 739, 1957, page 30, Approved page 61.*

§842 If the ballot box is to be used in voting on a waiver of jurisdiction, there must be as many white balls as there are members present and an equal number of black cubes. *Re Aquila Lodge No. 700 and Re Wawarsing Lodge No. 582, 1955, page 21, Approved page 49.*

§ 845 When waiver of jurisdiction is required, both Lodges must investigate, but primary responsibility is on the petitioned Lodge, Constitutions, Section 347-352. *Re Scotia Lodge No. 634, 1952, page 23, Approved page 40.*

§845 No conditions may be imposed on the granting of a waiver. *Re Sauquoit Lodge No. 150, 1955, page 21, Approved page 49.*

§845 A Lodge may waive its jurisdiction over a candidate or one who has been initiated or one who has been passed. *Re Algonquin Lodge No. 1056, Fiat Lux Lodge No. 1079, 1964, page 195, Approved page 127.*

§846 A waiver for balloting and initiation is necessary where a petitioner resides outside the territorial jurisdiction of the petitioned Lodge; a request for such a waiver should be acted upon within a reasonable time; any question as to the Lodge having jurisdiction of the petitioner should be resolved promptly and in good faith. *Re Berne Lodge No. 684, 1966, page 33, Approved page 76.*

§851 Grant of waiver of jurisdiction in less than two weeks is a violation of the Constitutions, Section 352. *Re Apollo Lodge No. 13, 1953, page 37, Approved page 47.*

§861 By-laws may provide for bonding of the Secretary and Treasurer. *Re Scarsdale Lodge No. 1092, 1962, page 41, Approved page 113.*

§862 Only sitting in an open symbolic Lodge warrants vouching. *Re Masonic Voucher 1954, page 20, Approved page 33.*

§880-By-laws of a consolidated Lodge are in effect amendments to the by-laws of the original Lodge by-laws. *Re Lake City Lodge No. 127, 1961, page 45, Approved page 51.*

§880 A consolidated Lodge inherits all of the rights and must assume all of the obligations of each of the component Lodges. As a consequence, upon merger, an honorary member of one of the Lodges perforce becomes an honorary member of the consolidated Lodge. *Re Heritage Lodge No. 284, 1973, pages 61, 141-142, Approved page 60.*

§885 A Lodge which is about to surrender its charter cannot intentionally deplete its remaining assets by donations to charity. *Re Disposition of Assets . . . 1980 page 98.*

§887 By-laws should provide for an assistant treasurer to comply with Constitutions, Section 312. Subdivision 3. *Re Massapequa Lodge No. 822, 1954, page 22, Approved page 33.*

§887 Officers may be elected only by ballot. (*Constitutions, Section 302*) *Re Fakhr Ud Deen Lodge No. 3, 1955, page 22, Approved page 49.*

§887 All officers may be elected if the by-laws so provide. *Matter of Syria-Lebanon District 1955, page 28, Approved page 49.*

§888 No. Constitutional Officer may hold two offices. *Re Urania Lodge No. 810, 1957, page 44, Approved page 61.*

§888 By-law combining office of secretary and treasurer is void. *Re Howard Lodge No. 35, 1961, page 33, Approved page 51.*

§888 Officers and members of committees must be Lodge members. *Re eligibility of non-Lodge Members for Committees, 1954, page 22, Approved page 33.*

§888 The Benevolent Orders Law provides for not less than three nor more than five Trustees; no elective or constitutional officer may hold two offices in the Lodge; otherwise, every member of a Lodge in good standing is eligible to hold office except that of Master. *Matter of Tonawanda Lodge No. 247, 1965, page 45, Approved page 143.*

§888 One person may not hold two elective offices at the same time. (*Constitutions, Section 317*) *J. A. Opinion, 1957, page 43, Approved page 61.*

§888 Offices of Trustees and Secretary cannot be held by one person. *Re Schenevus Valley Lodge No. 592, 1961, page 48, Approved page 51.*

§888 One cannot be both a junior Warden and a Trustee. *Re New York Lodge No. 330, 1962, page 40, Approved page 113.*

§889 Service as a Warden of a Lodge in the State of New Jersey is such service as qualifies a member for election to the office of Master of a Lodge in this jurisdiction. *Re Allied Lodge No. 1170, 1976, pages 36, 92-93, Approved page 38.*

§891 One who is a member of a Lodge in good standing and who has served it as a Warden may be elected to serve as its Master, notwithstanding that he has suffered the loss of limbs. *Matter of Eligibility of Amputee to serve as Master, 1969, page 31, Approved page 69.*

§895 The election of either Warden as a Master on a dispensation for an election that has been given after the Master's death, is void. *Re Oxford Lodge No. 175, 1960, page 45, Approved page 52.*

§896 A Warden who is elected as such but didn't serve and actually acted as secretary is not eligible for Master. *Re Louis Kossuth Lodge No. 1117, 1958, page 34, Approved page 60.*

§899 The Benevolent Orders Law of the State of New York is interpreted to forbid the election of a non-resident of the State of New York to be a trustee of a Lodge which has qualified under the statute. *Matter of Howard and Prince of Orange Lodge No. 16, 1969, page 31, Approved page 69.*

§899 Where a Lodge has failed by omission or oversight to elect a trustee at its annual communication it may make up for that deficiency by calling an election at any time by a summoned communication. *Re Jefferson Lodge No. 332, 112-113, Approved page 45.*

§902 Written ballots are required to be used for purposes of voting for the election of a Master. An election conducted by oral roll call vote was improper and void. *Re Manhattan Lodge No. 62, 1971, page 26, Approved page 73.*

§908 One need be invested with the secrets of the Chair only once (An appointed officer, like an elected officer, should be installed.) *Matter of Syria-Lebanon District 1955, page 28, Appointed page 49.*

§910 A By-law may designate the Annual Communication or any time thereafter for the installation of officers so long as the permitted time does not extend beyond the next Stated Communication. *Re Galaxy Lodge No. 1162, 1965, page 46, Approved page 143.*

§911 A Master-elect was stricken with a heart condition and never installed; then on the advice of his Doctor, he resigned. He now wants to be installed although the Doctor says no. Constitutions, Section 302 provides that election and/or installation must be by dispensation where installation goes beyond a Stated Communication following election. *Re Woodbury Lodge No. 993, 1963, page 148, Approved page 112.*

§915 One need be invested with the secrets of the Chair only once. (An appointed officer, like an elected officer, should be installed.) *Matter of Syria-Lebanon District 1955, page 28, Appointed page 49.*

§916 Installing officer must be an actual or Past Master; no delegation to one not such is possible. *Re Masonic School of Instruction, Erie County, 1958, page 21, Approved page 60.*

§916 No officer may be installed except by a Master or Past Master. Constitutions, Sections 300, 302, 310; H.B. Section 916; Ritual Book page 257. *Re Suburban Lodge No. 1159, 1963, page 154, Approved page 112.*

§922 The by-laws providing that a trustee must skip a year after two consecutive three year terms is void. (Constitutions, Section 304) Giving a trustee a one year term is contrary to the B.O.L. Requiring monthly meetings of trustees is all right. *Re Hoffman Lodge No. 412, 1959, page 39, Approved page 59.*

§929 A member holding dual membership is dropped from the rolls when he is dropped from one of the Lodges. He may petition for restoration in one Lodge by showing a sealed certificate of good standing in the other, and the usual vote as in unaffiliation (Constitutions, Section 349) *Matter of Level Lodge No. 914, 1956, page 33, Approved page 50.*

§938 Where senior Warden dies, Master may appoint a temporary substitute or summon a meeting to elect a new senior Warden. *Re Sandy Creek Lodge No. 564, 1953, page 41, Approved page 47.*

§941 A Past Master's Apron may not be worn until a new Master has been elected an installed. *Re Erie County Masonic School of Instruction, 1956, page 30, Approved page 50.*

§945 Master may conduct business after a recess. *Re Hoffman Lodge No. 412, 1964, page 191, Approved page 127.*

§945 Master is not bound by parliamentary rules but should not exercise his powers in an arbitrary or unreasonable manner. *Re Parliamentary rules, 1952, page 28, Approved page 40.*

§945 A proposed amendment may be altered or amended before the vote, so long as the change is germane to the original proposal and not in conflict with its general intent. *Re Alterations of proposed Amendments, 1955, page 36, Approved page 49. Re Bay Shore Lodge No. 1043, 1957, page 36, Approved page 61.*

§945 The authority of the Master is so great that there is a factual presumption that he has properly performed his functions. *Matter of Fiat Lux Lodge No. 1079, 1955, page 32, Approved page 49.*

§946 Admitting Brothers during the conferring of a Degree is discouraged. *Grand Lodge Proceedings, 1958, page 21, Approved page 60.*

§946 A Master has a right to exclude a member. Whether he is justified depends upon the facts. This is to be determined by a trial commission. The Grand Master shouldn't give his opinion in advance as he acts as a Grand Jury when a complaint is filed. *Matter of Fiat Lux Lodge No. 1079, 1955, page 32, Approved page 49.*

§950 Committee appointments end with the Master's term. *Re Little Falls Lodge No. 181, 1955, page 23, Approved page 49.*

§950 Officers and members of committees must be Lodge members. *Re eligibility of non-Lodge Members for Committees, 1954, page 22, Approved page 33.*

§953 Master may make a temporary appointment to fill a vacancy in an elective office. *Re Huguenot Lodge No. 381, 1952, page 27, Approved page 40.*

§964 If a candidate who suffers from a physical or language difficulty is reasonably able to conform to the ritual when given assistance for the purpose of overcoming the difficulty, he is eligible for initiation and advancement. *Re Metropolitan-Whitestone Lodge No. 273, 1976, pages 37, 96-98, Approved page 38.*

§967 The old rule that the Master and Wardens could not take dimitts (H.B. 662, 967 and 1011) was abrogated by the amendment of Section 369 of the Constitutions in 1896. (*Re Sylvan Grove Lodge No. 275, 1944, page 41, Approved page 83* and amendments of the Constitutions, Sections 316, 317 and 318). *Re Levant Lodge No. 67, page 40, Approved page 52.*

§971 If the ballot box is to be used in voting on a waiver of jurisdiction, there must be as many white balls as there are members present and an equal number of black cubes. *Re Aquila Lodge No. 700 and Re Wawarsing Lodge No. 582, 1955, page 21, Approved page 49.*

§972 The funds of an independent corporate entity formed by a fellow-craft club of the Lodge are not subject to the order of the Master of the Lodge but must be dispersed in accordance with the by-laws of that particular corporate entity, *Re Aurora Grata-Day Star Lodge No. 756, 1975, pages 34, 113-114, Approved page 45.*

§981 Guest teams may work degrees; there shall be no dramatization of the first and second degrees—no costumes and no make-up. *Re Dunwoodie Lodge No. 863, 1961, page 50, Approved page 31.*

§981 Picture of a Degree team in costume may not be published. *J.A. Opinion, 1957, page 32, Approved page 61.*

§982 The Master may hold a matter over, refuse to entertain a motion or permit a vote to table a motion. *Re Richmond Hill Lodge No. 892, 1957, page 52, Approved page 61.*

§987 The Master may hold a matter over, refuse to entertain a motion or permit a vote to table a motion. *Re Richmond Hill Lodge No. 892, 1957, page 52, Approved page 61.*

§989 Master may not remove an elected officer of the Lodge; nor may he delegate a Past Master to preside where a Warden is present. (*Constitutions, Section 309, (5), 310.*) *Matter of Syria-Lebanon District, 1955, page 28, Approved page 49.*

§994 Void Summons voids action at meeting where a Summons is required. *Re Schenevus Valley Lodge No. 592, Supra.*

§1003 Summons must be sent in sealed envelope. So must notices and Communications giving names of Past or Future candidates. The latter must be marked "Strictly personal". No particular class of mail is required. *Re Matter of Mailing Notices of Communications 1963, page 160, Approved page 112.*

§1011 The old rule that the Master and Wardens could not take dimits (H.B. 662; 967 and 1011) was abrogated by the amendment of Section 369 of the Constitutions in 1896 (*Re Sylvan Grove Lodge No. 275, 1944, page 41, 49; Approved page 83 and amendments of the Constitutions, Sections 316, 317 and 318*). *Re Levant Lodge No. 967, page 40, Approved page 52.*

§1015 Subdivision 7 of Section 317 of the Book of Constitutions permits a Warden of a Lodge to withdraw from membership in the Lodge. *Matter of Anonymous, 1968, page 35, Approved page 81.*

§1036 Lodge Trustees are primarily responsible for the care and custody of its real estate and the collection of the proceeds therefrom; they may authorize the Lodge secretary to collect said rents as their agent and deposit

the same to the Trustees account. *Re Port Jervis No. 328, 1965, page 46, Approved page 143.*

§1039 A Lodge may have five Trustees under the Benevolent Orders' Law. *Re Niagara Frontier Lodge No. 132, 1957, page 35, Approved page 61.*

§1039 The Benevolent Orders Law provides for not less than three nor more than five Trustees; no elective or constitutional officer may hold two offices in the Lodge; otherwise, every member of a Lodge in good standing is eligible to hold office except that of Master. *Matter of Tonawanda Lodge No. 247, 1965, page 45, Approved page 143.*

§1060 A brother who has been found guilty in a federal court of conduct defined as a felony under the law of the United States of America stands automatically suspended. *Re Long Beach Lodge 1048, 1978 page 89.*

§1067 A presumption of regularity must be applied in considering the propriety of the conduct of the Master. That presumption yields only to clear and convincing evidence that the Master's conduct was arbitrary, capricious or otherwise improper. *Re City Lodge No. 408, pages 43, 116, Decision of the Grand Master.*

§1070 Plural Membership. A Master Mason in good standing may become . . . a member of two or more Lodges in this or a sister jurisdiction where permitted . . . *Constitutions 349 revised 1982.*

§1073 The widow of a Mason may wear his ring unless it violates the penal law. *Re Waddington Lodge No. 393, 1958, page 28, Approved page 60.*

§1079 A ballot upon one who is about to receive a degree may be demanded by any member of the Lodge. If such a ballot has been requested, taken and reported cloudy, the Master may not disregard the same. Where a ballot was requested by mail and the Master directed the taking of a ballot the same was governed by the usual rules, inasmuch as the Master, as a member of the Lodge, could have demanded a ballot. *Re Western Union Lodge No. 146, 1976, pages 36, 95-96, Approved page 38.*

§1089 The Fraternity has over the years forbidden all uses of its emblems which might detract from their character. If our emblems were permitted to be adapted to suit the purposes of diverse groups, they would in time acquire secondary identification. It is believed that such an effect would be inimical to the interests of the Fraternity. Permission to use the mark presented by the National Travel Club is refused. *Report of the Judge Advocate, 1974, page 116, Decision of the Grand Master.*

§1094 A dual member cannot be Master of both Lodges at once. *Re Manhattan Lodge No. 62, Hebron Lodge No. 813, 1962, page 33, Approved page 113.*

§1097. Honorary membership requires unanimous ballot. *Constitutions Section 350, Re Frederick Lodge No. 857, 19, 1952, page 24, Approved page 40.*

§1098 There is no such thing as an "Honorary" life membership. (*Constitutions, Section 351*) *Re Americus Lodge No. 535, 1959, page 33, Approved page 59. Re Italia No. 786, 1959, page 38, Approved page 59.*

§1098 When Brother paid certain sum for life membership and those funds ran out, Lodge had duty to summon Brother for non-payment. By-law was void. *Matter of Monitor Lodge No. 528, 1956, page 33, Approved page 50.*

§1098 Life member cannot be charged with annual payments under the guise of a continuing assessment. *Matter of Laurel Lodge No. 972, 1957, page 39, Approved page 61.*

§1098 When there has been a compliance with a by-law requirement for life membership, the right is vested. *Matter of Nathan Straus Lodge No. 1114, 1957, page 31, Approved page 61. Re Manitau Lodge No. 106, 1957, page 41, Approved page 61.*

§1098 By-law creating life membership must treat all in the same general class alike. *Matter of the Evening Star Lodge No. 44, 1957, page 92, Approved page 61.*

§1098 By-law providing for life membership can be amended at any time before the prescribed term expires. *Matter of Mt. Sinai Lodge No. 864, 1956, page 32, Approved page 50.*

§1098 By-laws of a consolidated Lodge must continue life membership privileges earned prior to the consolidation. *Re Habonim-Paramount Lodge 1042, 1980 page 96.*

§1098 Secretary made a mistake in giving a life membership. This can be corrected and minutes should be corrected per *Constitutions, Section 322. Bredablick Lodge No. 880, 1958, page 48, Approved page 60.*

§1098 When a life membership has been purchased, there is a formula for determining if the payment is sufficient. *Re Laurel Lodge No. 972, 1958, page 49, Approved page 60.*

§1098 A Life membership may not be changed, once vested. *Re Joppa Lodge No. 201, 1964, page 207, Approved page 127.*

§1098 A life member must pay Grand Lodge dues and assessments or he is subject to unaffiliation. (*Constitutions, Section 319*) *Re New York Lodge No. 330, 1958, page 93, Approved page 60.*

§1102 A member holding dual membership is dropped from the rolls when he is dropped from one of the Lodges. He may petition for res-

toration in one Lodge by showing a sealed certificate of good standing in the other, and the usual vote as in unaffiliation (*Constitutions, Section 349*) *Matter of Level Lodge No. 914, 1956, page 33, Approved page 50.*

§1102 Payment of arrears for a period of unaffiliation is not payment of dues. *Re Girard Lodge No. 631, 1957, page 48, Approved page 61.*

§1104 One who has been expelled from Grand Lodge of Egypt which we have not recognized since 1938 is clandestine and a profane. He must come in by initiation rather than by affiliation. *Re Goelet Lodge No. 918, 1962, page 32, Approved page 113.*

§1104 Doubt as to a clandestine Lodge should favor the applicant, but in the absence of documentary evidence of membership in a Lodge in a recognized jurisdiction, affiliation is out; initiation is the only way. *Re District Grand Lodge of Syria-Lebanon, 1961, page 42, Approved page 51.*

§1104 Clandestine Mason must sever all connections with the clandestine Lodge and petition as a profane. *Re Clandestine Masonry, 1964, page 198, Approved page 127.*

§1107 The Lodge may not employ its powers as a Fraternal Organization for the purpose of attempting to collect a commercial obligation. *Matter of Caxton Lodge No. 960, Matter of Canaseraga Lodge No. 781, 1947, page 37, Approved page 154.*

§1141 The making of a threat to blackball candidates regardless of their qualifications justifies prosecution of charges of un-Masonic conduct against the one making the threat. It is not necessary that it be shown that the threat was carried into execution. *Matter of Fallsburg Lodge No. 1122, 1967, page 66, Approved page 66.*

§1143 Concealment, misrepresentation, or deceit in relation to an application for affiliation or dual membership is in violation of Constitutions 407 as in an application for initiation. *Re La Salle Lodge 1049, 1971 page 115.*

§1149 A name "Masonic" may not be given to any award, fund or purpose unless it is established by the Grand Lodge or by a subordinate Lodge. *Re Naming a Scholarship Fund, 1965, page 46, Approved page 143.*

§1155 Failure of the resigned secretary to turn over the Lodge books and records to the Master upon demand, whether or not a new secretary has been elected and installed, constitutes un-Masonic conduct. *Re LaSalle Lodge No. 1049, 1965, page 47, Approved page 143.*

§1156 Group incorporated as a club operating in New York under a charter from Spain is clandestine. If the charter is surrendered and the corporation is dissolved, each member may petition for membership. *Re Lealtad Espanola, 1961, page 43, Approved page 51.*

§1161 Belief in one everliving and true God and in the immortality of the soul are indispensable conditions for initiation; one who does not unequivocally answer either question in the affirmative lacks an essential qualification to become a Mason; if he has been raised, he should be prosecuted under Section 5 of the Code of Procedure; after receipt and reference, a petition is part of the permanent records of the Lodge and may not be altered. *Re Utopia Lodge No. 1084, 1966, page 34, Approved page 76.*

§1163 One who falsely answers a question put to him by an investigating committee as to whether he had ever committed or been accused of committing a crime is subject to Masonic discipline. *Re Le Salle Lodge No. 1049, 1971, pages 26, 115-116, Approved page 23.*

§1339 The standard of proof to be observed by a trial commission in determining guilt or innocence shall be that the prosecution shall have the burden of proof of guilt by a fair preponderance of the credible evidence. *Code of Procedure 92 adopted 1985.*

§1400 Where a brother is convicted of a felony, the trial commission must recommend and the brother must be expelled. If a brother is found guilty in a federal court of a crime which constitutes a felony under federal law but does not constitute a felony under New York State law, the brother need not be expelled by the trial commission. *Report of the Judge Advocate, 1973, pages 16, 142, Approved page 60.*

§1414 Expulsion destroys all Masonic rights including right to apply for membership, until restored. *Re Painted Post Lodge No. 117, 1954, page 23, Approved page 33.*

C

C

C

INDEX

to

MASONIC LAW

of

NEW YORK

BOOK OF CONSTITUTIONS

RULES OF ORDER

APPENDIX

CODE OF PROCEDURE

HANDBOOK OF MASONIC LAW

and

SUPPLEMENT

by

JANET STRUBE

April 1970

C

C

C

A

- Abatement of prosecution, 1118, p47
- Abating Lodge membership, 586
unlawfully, Masonic offense, 1201
- Ability to earn living, 498, c346.3
- Absences
Annual Communication, compensation forfeited, 52, c132
duty of Committee on Pay of Members and Representatives regarding, 346
Grand Master, succession, c114, rIX
Lodge business, re-ballot on demand, s563
Master, succession 173, c310
roll call, rXX
- Academic questions, declined, s175
- Accountant
Committee on Finance may employ, 337, c119
- Accounts
Committee on Finance to examine, 337, c119
Treasurer to keep, 1017, c312
- Accused
abatement of prosecution, 1118, p47
challenge to Trial Commissioner, 245, p41-p46
charges, answer to, 1260-1274, p38-p39
denial, proceedings, 1326, p83, p100
failure to answer, 1317, 1321, p80-p81, p101
default after answer, 1417
suggested form of decision, 1416, p113
time limit for answer, p40
charges and notice served on, p34-p37
form of charges, p33
counsel, to be designated, 1324, p85
to be notified of time and place of trial, 1327
defined, p20
entitled to know accuser, 1243
evidence, 1339, p90
excluding during trial, 1472
pleads exculpatory facts, 1386-1387, p83
pleads facts accepted as true, 1418
after trial of issues, 1419
pleads facts in mitigation of punishment, 1388-1389, p82
private meeting in absence of, 1474
proctor to notify of trial, 1327
right to confront witnesses, rule, 1382, p88
exceptions, 1384-1385
right to open default, p200
application, p201
witness against self, 1471
See also Charges; Trials

Accused and accuser named in charges, 1243

Accuser

accused entitled to know, 1243

Acquittal by State Court, no weight in Masonic Court, 1214

Acquittal of alleged charges, 1248

Actions

not to be publicized outside Lodge, 798

showing cause not to set aside, 833

Acts of Incorporation, pages c102-c115

Adjournment

Annual Communication, want of quorum, 40

trials, 1332

Admissability of evidence, 1342-1346

Admission of charges, in answer, 1271

exculpatory statement or explanation, 1272

plea in mitigation of punishment, 1273

Admission of visitors, 946, c505, c506

Admission to Lodges, 1090

Adultery

unMasonic conduct 1135

Advancement, candidate for

adverse ballot for, 504

after advancement arrested, 573, s573

after initiation, 572

effect, 571

all members must vote on, 546, 1091, c355

Tiler, 547

arrested, 488, 504, 573, s573, c359

ballot demanded upon, c358

deferred, c358

discussion of merits forbidden, 659, c356

in another Lodge, 593, 1049, c364

member not permitted to procure, 1084

initiation, unlawful or irregular, 1048

interval between degrees, 589, 640

Investigating Committee, 588

jurisdiction, 478-482, c365

Master may order rebalot, 979

membership acquired by, 486-489

not compulsory, 587

objection to, 560-562, s560

demand for ballot, 1079-1080

Master must respect, 993

recorded in minutes, 790

suppressing letter protesting, 1174

physical defects, 1047

proficiency in preceding degree, 590-592, c363

prohibited period, 1209

- Advancement, candidate for, Cont'd.
 reballot, 563, 566, 569-570
 refund, right to, 1052
 refusal to vote a Masonic offense, 1167
 refused, not entitled to trial, 1053
 right to, 1045
 right to visit another Lodge, 1054
 stopped by reballot, no return of fees, 732-733
 votes required, 843
 wrongful initiation, 733
- Adverse ballot
 arrested advancement, 488, 504, c359
 can not be reconsidered, 556, s556, c353
 effect on petitioner, 571-574
 for degree, c358
 Lodge spreading second ballot after, subject to discipline, 1200
 single, rejects, 554
- Advertising
 use of Masonic emblem for, liable to discipline, 1149
- Affidavit of proof of service of charges by profane, 1258-1259
- Affiliate members
 Lodge under dispensation, 875
 register of, 287, c118.2
 Secretary reports to Grand Lodge on, 1025, c313.6
- Affiliation
 ballot for; making known a Masonic offense, 545, c406
 membership by, 490, c340.3, 4
 irregular, 1061
 register of, Lodge to keep, c320.4
 signing By-laws, 577, c348
 dual membership, 578
 effect of not signing, 583
 effect of objection to signing, 584
 unlawful, Lodge guilty of Masonic offense for 1202
- Affiliation, petition for, 505, 1061, c348
- ballot on 537, c354
 adverse ballot for advancement, 488, 504, c359
 all members must vote, 546, 1091, c355
 cannot be postponed or adjourned, c357
 how taken, 543-544
 Master's right to destroy, 962, c354
 no discussion of merits, c356
 refusal to vote a Masonic offense, 991, 1167
 rejection, effect, 559
 new ballot, 574
 secret, 545, s545
 Tiler, 547 961
 when taken, 538-540

- Affiliation, petition for, Cont'd.
 certificate of member for, 516-517
 dual membership, c348, c349
 failure to refer to Investigating Committee a Masonic offense, 1185, c352
 form, 509
 handwritten and signed, 510, c361
 Lodge to preserve, c321
 misrepresentation or concealment a Masonic offense, 1143
 questions to be answered, 512
 reapplication, 506
 rejection, effect, 539
 rule, 505
 Stated Communication, received at, 521
 not received if pending in another Lodge, 522-523
 to another Lodge, c359
 withdrawal, 528-529, c353
- Affiliation, petitioner for
 assumed name, s493
 blind, 511
 deaf, s498
 discussion of merits forbidden, 659
 jurisdiction, 471
 rejection, 476
 life member, privileges restored, s651
 members entitled to vote on, 1091
 qualifications, 507-508
 rejection, return of fee, 734
 votes required, 843
- Affiliation fees, 720, c600.6
 failure to pay means charges preferred, 1159
 Lodges must pay, 831
 Master Mason, Entered Apprentice, and Fellow Craft, 131
 second and third degree, 736
- Age qualifications, 496
 waiving not permitted, 209
- Agents
 designated to make expenditures, 744, s744
- Aggrieved Lodge
 defined, 1
 notice of petition for restoration to, p502
 favorable recommendation, p503-504
- Air line rule
 territorial jurisdiction, 447-448, 459-460, s447, c342
- Alien, not disqualified for membership, 501
- Alphabetical list of expulsions, suspensions and rejections
 Grand Secretary to keep, c18.13
 Lodge to keep, 602, c320.5

Alphabetical list, Cont'd.

- Secretary to keep, 1032, c313.4
- Alphabetical register
 - members, c313.3
- Altar, guarding, page c.4
- Alternate meeting places, 780
- Ambulatory Lodge
 - dispensation to form, 200
- Amendments, c800-802
 - By-laws, 612, s612
 - Constitutions, c601, c800, c801
 - form of notice, 613
- Amicable Lodge No. 664
 - jurisdiction, 458, c342
- Amputee
 - ineligible for initiation, 499, s498
 - may be elected Master, s891
 - veteran, 890
- Ancient Accepted Scottish Rite
 - authority, 38
 - recognized, 91
- Ancient Landmarks, *see* Landmarks of Freemasonry
- Annual Communication of Grand Lodge
 - absence forfeits compensation, 52, c132
 - accounts, report of, at, c119
 - adjournment for want of quorum, 40
 - alteration of Masonic districts at 31, c504
 - appellate authority, 1440, c400
 - appointive Grand Officers appointed at, 139, c111
 - appropriations replaced at, 128
 - ballots for, Grand Secretary to provide, 283
 - ballots for voting on propositions, rXVIII
 - charter, forfeiture at 102, 883, c337
 - Commission of Appeals to report to, 67, 360
 - Commissioners of Appeals nominated at, 354, c125
 - Committee on Finance reports at, 337, xXI.7
 - conduct of members, 73
 - Constitutions or Code Procedures, amending or suspending, 84, 85
c801-802
 - date and place, 53, c103
 - designations of, s910
 - dispensation to avoid vacancy in election at, 195
 - Foundation for Medical Research and Human Welfare, election
of members, 391-394, 396, c250
 - removal of members, 110, 397-401, c251
 - Grand Master appoints Standing Committees, rXI
 - Grand Officers, election, 65, 134, c109, c128
 - installation, 66, 136, c109

Annual Communication of Grand Lodge, Cont'd.

hour, 54, rXIV, rXV

Lodges to be represented at, 333

Minutes, reading and approving, 63, rXIII.4, rXV

motions, 70, rXV.6

new business in writing, 68

referred to standing committee, 69

new Lodge formed four months before, c326

notice of, 272, rXII

order of proceedings and business, 61-64

first day, 61, rXIII

recess, rXIV

second day, rXV

succeeding days, 62, rXVI

presiding officers, 59-60

Special or Trust Fund, vote necessary to appropriate from, 130

tellers, appointing, 154

tribute to departed members, 345

Trustees of Masonic Hall and Asylum Fund, c200-201

nominations, 364

removal, 111

reports, 380

vote, 71-72

Annual Conventions

for exemplification of Standard Work, 298, c123

See also Standard Work and Lectures

Annual dues, *See* Dues**Annual election of officers, *See* Election of Officers****Annual statement**

District Deputy Grand Masters, forms for, c118.11

Answer to charges, p38

denial, 1274

mail service of notice, 1265-1267

necessity for, 1260

permissible forms, 1270-1274, p39

personal service of notice, 1262-1264

requisites, in writing and in duplicate, 1268

signed by accused, 1269

time for answer, 1261, p40

upon whom served, 1275

See also Charges

Apology, letter of, 671

suspension until read, 1397

Appeals, 1439-1447, c311, c400, c402, p403

appellate authority, 107, p401

briefs, 1459-1461, p413

Commission of Appeals, 358-360, p402, p413

Appeals, Cont'd.

- decisions permissible, 1487, p415
 - effect of, 1488
 - defined, 13, p400
 - denial of petition to open default, p209
 - designation of parties, 1448, p405
 - determination of, 1486-1490, p414
 - District Deputy Grand Master, Acts or decisions,
 - notification of, 315
 - evidence, 1481-1485
 - extension of time not permitted, p409
 - Grand Lodge, appellate authority, 107, c400, c402
 - powers as to, c400
 - Grand Master or Grand Lodge, no interference with right of, 766
 - none from decision of Grand Master in chair, 221
 - objecting to contracting of debt, 1078
 - report of actions of Commission of Appeals to, 360
 - Grand Secretary to transmit papers, 290, 1455
 - how taken, 1449-1453
 - judgment reversed, 1490, p416
 - Lodge has right of, 595
 - Master, determining appeal from decision of, 96, p414
 - in chair, 176, 974, c311
 - notice of, p406-408
 - notice of submission or argument of appeal, 1456-1458, p412
 - petition to open default, denial of, 1458
 - rejection from attendance at Lodge, 1090
 - right of, 1444-1447
 - review, 1463-1485
 - grounds of, presentation and reservation, 1462
 - sentence modified, 1489
 - stay of execution, 1454, p410
 - transmitting papers, p4111
 - Warden, no appeal from decision when presiding, 176, 1014, c311
 - who may appeal, p404
- Appeals, Chief Commissioner of
- Grand Secretary to transmit papers to, 290, 1455
- Appeals, Commission of, 350-360, c125, p402
- appellate authority, 107, 1440, p401
 - compensation, 50, c131
 - decisions permissible, p415
 - eligibility requirement, 132
 - members of Grand Lodge, 39, c102
 - modification of sentence, 1478
 - nomination and confirmation, 141, c125
 - report, 67, rXV
 - reviews appeals, 1463-1464
 - titles, 142, c112

- Appeals, Commission of, Cont'd.
 - vacancy, filling, 144, 218, c125
 - vote of, 72, rXVIII
- Appeals for donations, *see* Donations
- Appeals to other Lodges, 157, 621
 - approval by Grand Master, c501
- Appellant, defined, 1448
- Appellate authority, 107, 1440, c400, p401
- Appellate tribunal, 1439
- Application for Trial Commission, 1294-1297
 - form, 1294
- Application to open default, p201
- Appointive Grand Officers, 138, c111
- Appointive officers, Lodge, c302
 - vacancy, filling, 936, c318
 - warrant of, District Deputy Grand Master, 317
- Aprons and jewels, 941, s941, c315
- Appropriations
 - benevolences and charity, Masonic, 746, c113.13
 - non-Masonic, 747
 - Permanent Fund, 128, c203
 - referred to Committee on Finances, c337
 - replaced at Annual Communication, 128
 - Reserve Fund c203
 - trust funds, 130
- Argument, oral 1429
- Army, petitioner in, jurisdiction, 468, s468
- Arrears, *See* Dues, non-payment
- Arrested advancement, 488
 - petition after rejected on ballot for advancement, 504
 - petition to any other Lodge, 573, s573, c359
- Arresting charter, 881
 - Grand Lodge may suspend, 104
 - Grand Master may suspend charger, 234
- Assessments
 - available funds, determining, 713
 - compelling Lodge to assess members, 169
 - discharge before dimit granted, 663
 - distinguished from dues, 672
 - enforcement of payment, 717
 - entire indebtedness, 716
 - failure to pay, Masonic offense, 1132, 1160, c371
 - fire insurance premium, s698
 - Grand Master may review, 230
 - indigent members, 712
 - levied at summoned Stated Communication, 714
 - by majority vote, 715
 - levying without summons, Masonic offense, 1188

- Assessments, Cont'd.
 life members s710
 Master may not order, 978
 must be equal and reasonable, 710
 must be for Masonic purposes, 695, s695
 examples, 696-700
 examples of non-Masonic purposes, 701-709
 ordering, 98
 prior contributions, crediting, 711
 reviewing, 99
 right of Lodge recognized by Constitution, 694, c371
- Assets
 synonymous with Funds, 29
See also Funds
- Assistant Grand Lecturers
 annual meetings with Grand Lecturer, 296
 appointment, 293
 approval by Grand Master, 156, c123
 certification of ability of Lodge under dispensation, 299
 certifies proof of skill in work for new charter, 440, c332
 Compensation, 300
 imparts Standard Work, 297, c123
 annual conventions for, 298
- Assistant treasurer, s887
- Assistants to Grand Lecturer, c123
- Associate membership, may not be provided, except in a Lodge
 formed for study and research, 647
- Asylums
 revenue appropriation for c600.5
 Trustees to maintain, c202
- At sight, making Mason, 216
- Atholl Charter, pages c98-101
- Attendance at Lodge
 District Deputy Grand Master to check, c121.2
 not unqualified right, 1090
- Attorneys
 only Master Masons may serve as, 1336, p85
 service of papers upon, p15
 signing By-laws, 581
- Audit, methods of
 Committee on Lodge Records and Finance to advise on, 341, rXI.14
- Authority, Grand Lodge, 38 c101
 limitations, 82
 powers, 81
- Aouchment, visitors, 12, 862-865, s862, c506
 Fellow Craft or Master Mason, c363

Awards

- Distinguished Achievement, 339, rXI.15
- Fifty Years, 336, rXI.16

B

Ballot

- Advancement in another Lodge, 593
 - rejection on, 504
- adverse, c353
- affected by unlawful or irregular initiation, 1048
 - can not be reconsidered, 556, s556
 - right to apply in another Lodge, 1049
- affiliation, petition for, 537, c348, c354
 - adverse, c353
 - withdrawn, 529
- Annual Communication, 283
- blackball, improper use, 1141
- collective, 552, s552
 - not favored, 543, s543
 - once commenced must be completed, 544
- defined, 2
- degrees, petition for, c358-c359
 - limiting number, 772
- demand for recorded in minutes, 790
 - rule stated, 1079-1080
- destruction before results declared, 551, s551
- disclosing, Masonic offense, 1157, c406
 - penalty for 1399
- election of Grand Officers by, 135, c109
 - of proxies, 281
- examination by Warden, 550, s550
- honorary, s1097, c350
- how taken, 543-544, s544
- initiation, candidate for, 493, 536, c354
 - withdrawal, 524
- insane candidate, s687
- legality, ruling for conferring of degrees, 986
- Lodge officers chosen by, 902, c302
- Master may destroy, 962, c354
 - to inspect ballot box before, 971, c354
- merits, no discussion of, c356
- original, candidate rejected on, 503
- petitions, 536-545, c352-c353
- postponed or adjourned, can not be, c357
- previously rejected candidates, 542
- proxies not permitted, 548
- reconsidered, can not be, 556

Ballot, Cont'd.

- refusal to vote, Masonic offense, 1167
 - on grounds of non-residence, 965
 - restoration to membership, 826-829, c867
 - result, minutes to control, 553
 - prima facie evidence, 797
 - recorded in minutes, 793
 - retirement before spread, 1091
 - secret, 545, c406
 - Stated Communication, 540
 - trial for offense connected with, 1343
 - unlawful, Lodge subject to discipline, 1199-1280
 - Master subject to discipline for, 1175
 - use in voting on waiver of jurisdiction, s853
 - visiting brother, 549
 - void, effect, 907
 - voting by, 842
 - waiver, s846
 - of jurisdiction, 541, s853
 - when taken, 538-539
 - who must vote, 546, c355
 - Tiler, 547
 - withdrawal of demand for rebalot before taking, 564
- Ballot box**
- duty of Master to inspect before balloting, 971, c354
 - of Wardens, 1013
 - tampering with, Masonic offense, 1148
 - use in voting on waiver of jurisdiction, s853, s971
- Bankruptcy, concealing assets Masonic offense, 1150**
- Belief, religious, 500, 513, 515, page c3**
- Benevolence**
- Committee on Masonic Benevolence, 342
 - disconnected from Masonry, no assessment for 702
 - expenditures for, 746-747
 - practice of, page c3
 - Benevolent Orders Law, pages c122-c131
 - defines relation of Treasurer to Trustees, 1018
 - incorporating under, 760-762
 - Lodges organized under, 870
 - by-laws, 871
 - dissolution, 886
 - exemption from taxation, 872
 - funds, depositing, 873
 - vacancies in office, 933-935
 - filling, 940
 - Masonic Lodge and Eastern Star Chapters may not form joint corporation, s760
 - Secretary's relation to Trustees, 1036

- Benevolent Orders Law, Cont'd.**
 Trustees, duties under, 1039, s1039
 election, 899, s899
 term of office, 922
 use of meeting place for non-Masonic purposes, 779
- Bethlehem Lodge**
 jurisdiction, c342
- Bias**
 challenge to Trial Commissioner charging, 1276, 1282-1283
- Bible**
 Great Light in Masonry, page c3
 present at rituals, 645
 translation acceptable s645, s777
- Bingo, premises not to be used for lotteries, 757, s757**
- Blackball, improper use, 1141, s1141**
See also Ballot
- Blank ballots, effect of, 906**
- Blank forms, *see* Forms**
- Blanks, furnished by Grand Secretary, c118.12**
 ballots for Annual Communication, 283
 for annual statement of District Deputy Grand Masters, 282,
 c118.11, c121.4
 for election of proxies, 281
 for Lodge returns, 280, c313.6
See also Forms
- Blind, guidance for, page c3**
- Blind petitioner, 511, s511**
- Blood and friendship, ties of page c3**
- Boards of Relief and Employment Bureaus, Committee on, 329, rXI.3**
- Bonds**
 elective Lodge officer, 861, s861
 Grand Master's approval required, 162-164
 Grand Secretary, 263, c118.14
 approval by Grand Master, 162
 extending time for filing, 183
 failure to give, 265
 form, 264
 Grand Treasurer, 252, c117.7
 approval by Grand Master, 163
 extending time for filing, 183
 failure to give, 254
 form, 253
 Trustees of Masonic Hall and Asylum Fund, 383
 approval by Grand Master, 164
 Treasurer of, 369-370, c207
- Book of By-Laws, Lodge must keep, 597, c320.2**
- Book of Constitutions**
 amended or suspending, by Grand Lodge, 84, c801

- Books purporting to be secret ritual, prohibited, 838, c500
- Books to be kept by Lodge, 597-605, c320
- cipher, c500
 - examined by District Deputy Grand Master, c121.2
 - failure of Secretary to transmit, s1155
 - failure to keep, Masonic offense, 1184
- Briefs**
- in appeal cases, p413
 - of appellant, 1459
 - of respondent, 1460
 - effect of failure to serve and file, 1461
 - failure to receive, 1473
- Budget**
- Committee on Finance to submit, 337, rXI.7
 - Committee on Lodge Records and Finance to advise on, 341, rXI.14
 - Grand Lodge, 166
 - See also* Finances
- Building, see** Lodge rooms; Property
- Burial, see** Masonic funeral and burial
- Business, order of**
- Annual Communication, 61-64, rXIII-rXVI
 - Master may change, 958
- Business meetings**
- dispensations to hold, c133.19 (d)
 - See also* Meetings
- Business relationships**
- ad in Lodge publication not indebtedness, s663
 - fair dealing, 719
 - Lodge Cemetery Association not approved, s801A
 - Masonic discipline not intended for business differences, 1107, s1107
 - p3
 - members not compelled by Lodge to account for business dealings, 671
 - official approval not to be given to business enterprise, 212, s212
- By-laws, 606-607, c319-321**
- amending, 612-613, s612
 - binding on Master, s610
 - Communications time fixed by, 623-624, s623, s910
 - special, 627
 - stated, 899, 956
 - consolidated Lodge, s880
 - construction, 611
 - no retroactive effect, s611
 - dispensations concerning meetings of Lodge, c133.19 (d)
 - District Grand Lodges, c133.15
 - election of officers, 887, s887
 - assistant treasurer, s887
 - fees, Lodge power to enact, c360

By-Laws, Cont'd.

- governing rules of Lodge, 610, s610
 - Grand Lodge approval, 609, s609
 - Investigating Committee, members not related to applicant, s530
 - life membership, s650
 - Lodge may enact, c319, c367
 - Lodge may provide for additional officers, c302
 - Lodge must keep book of, 597, c320.2
 - Lodge to maintain and preserve, c321
 - Master may not interfere with prerogative of, 765
 - quorum, may establish, s622
 - petition, submission of, s492
 - preliminary investigation, prior to, s620
 - requisites, 608
 - suspending, 614, s614
 - trustees, terms, s922
 - validity, Master no authority to determine, 966
 - violating, Lodge may be disciplined for, 1213
 - void if attempting to regulate Master's action in determining proficiency of candidate, 964
 - vote denied for non-payment of dues, c303
- By-laws, cited, relating to
- ballots on petitions for degrees, limiting, 772
 - closing Lodge, 625
 - committees appointed by Master, 950
 - dues, 672-674
 - non-payment, penalties, 682-683
 - remission, 678
 - repealing or amending, 676
 - unaffiliation for non-payment, 684
 - examination by physician, illegal to require, 656
 - electing candidates, 618-619
 - time to appear for initiation, 773
 - fees at discretion of Lodge not proper, 671
 - initiation, fixing, 721
 - legal holidays, 626
 - legislation not in derogation of, 768
 - Lodge organized under Benevolent Orders Law, 871
 - Lodge under dispensation, 876
 - members, honorary, 648
 - life and/or privileged, 649-652, s649, s652, s676, s1098
 - resident and non-resident, 653
 - members presumed to know, 1083
 - membership, abating, suspending or terminating, 586
 - Membership Committee, 620, s620
 - notice of meetings, 799
 - office holding, 771, 888, s888

By-Laws, Cont'd.

- officers, additional, 859
 - appointed by Master, 952
 - bond, requiring, 861, s861
 - duties and restrictions on, 858
 - election of lower officers, 860
 - nominations, limiting, 770
 - removal or suspension, 989
- order of business, Master may change, 958
- signing, *see* By-laws, signing
- void if attempts to change manner of election, 618
 - if authorizing Master to levy assessment, 714
 - relating to action on applications for restoration, 821, 823
- votes required, 843
- work, limiting to particular group, 642
- By-laws, signing, 575-584, 816, s575-s576, c341, c348
 - affiliating brother, 577, c348
 - dual membership, 578
 - arrested advancement, 488
 - by power of attorney, 581
 - degrees, after receiving, c340.2, 3
 - conferred in foreign Lodge, 594
 - effect of not signing, 582
 - affiliating brother, 583
 - return of fee, 731
 - effect of objection to, 584
 - manner of, 580
 - membership consummated by, 575, 581, 597, 816, c341, c348
 - membership in second Lodge, 487, c359
 - membership when accepting Lodge ceased to exist, 489
 - necessary, 575
 - non-affiliated Mason, 579
 - reballot before, on affiliate, 567
 - time, 576
 - time between election and signing, s583

C**Candidates for membership**

- acceptance, 548, c340.2
- admission, District Deputy Grand Master to caution, c121.2
- advancement from another jurisdiction, c365
 - in another Lodge, c364
- age qualifications, waiving not permitted, 209
- arrested advancement, 488, 504, 573
- arresting progress of 165
- blackball, threat of, 1141, s1141
- character, inquiry into, 654, c347
- dimit or certificate of Grand Secretary, 518

Candidates for membership, Cont'd.

duration of acquaintance, 517

fees, return of, 728-733

good report, 497

handwritten petition, requirement may not be waived, 210

initiation fee required, 724, c600.5

insane, candidates who become, balloting on, s687

interdicting conferring of degrees, 213

jurisdiction over, s465, s469, c342, c344

merits, discussion forbidden, 659, c356

Masonic offense, 1158

misrepresentation, assisting in, 1147, c407

named in notices of meetings, 799-800

notices of, in sealed envelopes, s1003

petition presented, 512-513, 521-523, c345, c352

physical fitness, 655-656, 1068

Grand Master can not determine, 180

proficiency in preceding degrees, 964

proxy vote not permitted, 548

qualifications determined by Master, 963-965, c346

recommendation by member, 519

by member of another Lodge, 520

improper, liable to discipline for, 1166

rejection, notification of, 975, 1029, c313.12

previous, 657

return of fee, 728

residence requirements, c344

unanimous vote required, 554, 843, c354

withdrawal or return of petition, 524-529, 1035

women as references, s519

See also Jurisdiction; Physical qualifications of candidates; Rejected candidates

Candidates for office

solicitation not acceptable, 1087

Ceremonies, Grand Directors of, appointive office, 138**Certificates**

affiliates, discharge before signing by-laws, 577

dual membership, not necessary, 578

dimission, 434, 668

District Grand Master may summon to produce, c133.9

election of officers, c118.10

Secretary to affix seal, 1020

election, as Proxy, 44-45

District Grand Lodge, c133.18

of Trustees under Benevolent Order's Law, 761-762

eligibility, new Lodge, 199

Grand Lodge Traveling, fee, 131

Certificates, Cont'd.

- non-affiliate, showing status, 518
- signed by member of Lodge, 516
- proficiency of Master and Wardens, 428-432
- service of notice of charges, proof of, 1256-1257
- by profane, 1258-1259
- Trial Commission, appointment of, 1235
- unaffiliate, for payment of arrears, 758
- form, 759
- when denied reinstatement, 830
- visitors, 862-863, c506

Cessation

- Lodges, candidates become members of another Lodge, c340
- membership in Lodge, effect of c102

Chair

- presiding officers at Annual Communications, 59-60
- succession to, rIX

Chairman of Trial Commission, *see* Trial Commission, Chairman

Challenge to Trial Commissioner, *see* Trial Commissioner, Challenge to

Chance, games of, premises not to be used for, 757

Changing name, 88, 1065

Chaplains, Grand

- appointive officer, 138
- duties, 292

Chapter, Royal Arch, recognized, 91, 915

Chapter degree does not qualify for participation in secrets of the chair, 915

Character, page c3, 497

inquiry into necessary for initiation, 654, c347

Investigating Committee reports on petitioner, 533

Lodge accepting unworthy material subject to discipline, 1208

petitioner, certification of member for, 516-517

Charges

accused and accuser, 1243

acquittal, 1248

admission, 1271-1273

allegation in, rule, 1244

must constitute offense, 1245

amendment, 1249, 1358

answer to, 1260-1275, p38-39

certificate of service, form, 1257

by profane, 1258

form of affidavit, 1259

decisions, suggested forms, 1416-1419

defined, 1241, p22

denial, 1274

dimit not granted while pending, 665

do not render ineligible for election, 894

Charges, Cont'd.

- document, attaching or setting forth, 1246
- effect of, defined, 9
- forfeiture of charges, c337
- form, p33
- Grand Lodge, powers, c400
- joinder of offense, 1248
- member not under, may withdraw, c369
- misrepresentation subject to, c407
- notice of, contents, 1251
 - in writing, 1250
 - manner of serving, 1252-1254, p34-37
 - proof of service, 1256
 - who may serve, 1255
- pendency, concerning vacancy in office, 927
- preparation, p32
- Proctor, prepared by 1242
 - signed by, 1241
- rejection ballot, no obligation to prefer, 1080
- requisites of, 1243
- trials of, c402
- withdrawal, 1365

See also Accused

Charges of a Free Mason, pages c89-97

Charitable purposes

- assessments for, 697, 700, 712
- dues for indigent brother, s678
- Masonic Foundation for Medical Research and Human Welfare
 - for, 388
- Masonic Hall and Home, 374-380

Charity

- Acts of, controlled by Lodge, 813
 - expenditures for, 746-747
 - Grand Master may withdraw funds for, 240, c113.13
 - practice of, page c3
 - wife, widow and children, 376-377, 1491
- See also* Benevolence, Committee on

Charity, Committee on, 330

Charter, Lodge

- arresting or suspending, 881
- certification of Lodge under dispensation for, 299
- custody, 960
- defines powers, duties and privileges, c301
- dissolution of Lodge, 882, 885-886, c334
- forfeiture, 102, c336-338, p106, p111, 883
 - as penalty, 1405
- District Grand Master no power, c133.11

Charter, Lodge, Cont'd.

- non-payment of dues, c324
- unlawful conferring of degrees, 1204
- Grand Lodge authority for issuance, 38, 417
- Grand Secretary to certify, 269
- granting, prerequisites for, 438-443
- fees for, 444
- issuance, requirements for, c332
- Lodge for Masonic Study and Research, c333
- new Lodge, c332
 - fee, 131, c200, c600.2
 - meeting place necessary for, 775
 - present at each Communication, 629
 - replacement, District Grand Master may continue Lodge functions pending, c133.19 (f)
 - surrender, 884, c335, c338
 - clandestine group, s1156
 - Grand Master to certify, 168
 - Grand Secretary to take property of Lodge, 289
 - Lodge dissolved by, c334
 - suspends Master from office, 923
 - votes required, 843
 - suspension, 104, 881, c339
 - effect on territorial jurisdiction, 462
 - Grand Lodge may suspend, 104
 - Grand Master may suspend, 234, c113.7
 - may restore, 229
- Charter, Posts of Masonic War Veterans, 236, 415
- Charter members, c340.1
 - exemption from dues, repealing of amending, 676
- Charters, Committee on, 331, 442, rXI.5
- Chastity, protection, page c3
- Chief Commissioner of Appeals, 354, c125
- Children
 - admittance to Masonic home, 376, 1491
 - benevolences, 746
 - personal aid to, a Masonic purpose, 700
 - surrender of, 378
- Churches
 - erection a non-Masonic purpose, 703
- Cipher Form
 - book, booklet, document or paper in, preparation of, c123, c500
- Ciphers
 - Grand Lodge Book of Constitution, amending or suspending, 84
 - prohibited, 838, c500
- Circulars or appeals
 - Grand Master must approve, 157, c501
 - none to be issued unless approved by Grand Master, 621

- Circumstantial evidence, 1350
- Cities
 - new Lodge in, c326
- Citizenship
 - not essential for election as Master, 890
- Civic processions, 803, s803
- Civil offense
 - restoration of Masonic rights after, 113
- Civil tribunal
 - effect of resort to, 1108
 - evaluation of alleged misconduct by, 1107
 - See also* Courts of law
- Civil war, participation as Masonic regiment not permitted, 220
- Clandestine Lodge
 - definition, 3, c703
 - doubt as to, 3, s1104
 - Egypt, Grand Lodge of, s1104
- Clandestine Mason, 1104 s1104, c704
 - Communications held in room used by, Masonic offense, 1186
 - consent to receipt of petition from, 172
 - defined, 4, c704
 - degrees may be required anew, 90
 - Lodge-rooms not used by, 779
- Clandestine Masonry, c507
 - club operating in New York under charter from Spain, s1156
 - promoting, Masonic offense, 1156
- Classes of members, 647-649, 677
- Clearance certificate, 830, s830
- Clerk to Trial Commission, 1240
- Clergymen
 - initiation fee required from, 724
 - Lodge may donate amount of fee to, 746
- Clerical assistance to Secretary, 1021
- Closing of Lodge
 - between certain dates, 625
 - legal holidays, 626
 - Sundays, 628
- Club, Masonic *see* Masonic Club
- Clubs
 - subject to control of Master, 972
- Code of Procedure
 - amendment, c801
 - cited, regarding report of Trial Commission in minutes, 792
 - complaint prescribed in, c405
- Constitutions, construction, 26
 - included in, 25
 - repealing clause of, concerning, 27
- counsel, right to bind by stipulation not conferred by, 1337

Code of Procedure, Cont'd.

- disciplinary proceedings, regulation, p4
 - disobedience to, by Lodge, Masonic offense, 1181
 - forfeit of charter of Lodge, c337
 - Grand Lodge may amend, 84
 - Masonic discipline, regulation of, 1111
 - Masonic misconduct, complaint prescribed in, 983
 - Masonic offenses enumerated in, 1123
 - penal statute not construed to apply to, c403
 - penalties prescribed in, c404
 - permissible forms of answer to charges, 1270-1274
 - Proctor, duties prescribed by, c126
 - service of papers, 1119-1121
 - trials and appeals conducted in accordance with, c402
- Collective ballots, 543-544, s543
- cloudy, rejection by, s552
 - counted, 552
- Commanderies recognized, 91, c508
- Commercial obligation
- ad in Lodge publication not indebtedness, s663
 - collecting, not Masonic purpose, s1107
 - See also Business relationship
- Commission of Appeals, see Appeals
- Commissions to take testimony, p60-p69
- Committees, Grand Lodge, c102
- appointment by Grand Master, 217, c113.3
 - filling vacancies, 218
 - Grand Treasurer to attend upon, 256, c117.5
 - questions and propositions submitted to, rXII
 - standing, appointment, 326
 - members, number, 327, rXI
 - term, 328
 - vote, 72, rXVIII
 - See also Committees of Grand Lodge
- Committees, Lodge
- appointment by Master, 950
 - must be Lodge members, s950
 - termination, s950
 - auditing, 341, c119
 - examining, c363
 - investigating, see Investigating Committee
 - Master *ex officio* chairman of, 951
 - Master may remove, 990
 - may not disburse Lodge funds, s743
 - number of members, 737
 - proficiency in preceding degree of candidate, 964
 - term of office, 328
 - to grant relief, s744

- Committees, Lodge, Cont'd.
 vote, 72
 waiver of jurisdiction referred to, c352
- Committees of Grand Lodge
 Boards of Relief and Employment Bureaus, 329, rXI.15
 Charity, 330
 Charters, 331, rXI.5
 Constitutions, 332, rXI.8
 Credentials and Returns of Lodges, 333, rXI.1
 Custodians of the Work, 334, rXI.9
 Endowments, 335, rXI.17
 Fifty Year Service Medals, 336, rXI.16
 Finance, 337, rXI.7
 Foreign Correspondence, 338
 Grand Lodge Awards for Distinguished Achievement, 339, rXI.15
 Law Enforcement, 340, rXI.12
 Library and Museum, rXI.20
 Lodge Records and Finance, 341, rXI.14
 Lodge Sales, rXI.19-A
 Masonic Benevolence, 342, rXI.18
 Masonic Brotherhood Fund, rXI.21
 Masonic Education and Lodge Service, 343, rXI.11
 Masonic Jurisprudence, 344, rXI.3
 Necrology, 345, rXI.10
 Pay of Members and Representatives, 346, rXI.2
 Public Relations and Publications, 347, rXI.19
 Restorations, 348, rXI.6
 Standing Committee on Hall and Asylum, 349
- Common law of Masonry, p2
 Constitution as, 26
- Communication from Grand Master, 807
- Communications
 absence before close of, forfeit of compensation, c132
 By-laws amended at, 612-613, §612
 calling or omitting, duty of Master, 955
 charter must be present, 629
 closing between certain dates, 625
 degrees, conferring at, 635-636
 completed at single communication, 636
 Emergent, 22, 955
 Grand Lodge, c103
 foreign flag improper at, 631
 frequency, 622
 held at least once a year, c324
 held in room used by clandestine Masons, offense, 1186
 legal holidays, 626
 Master and Wardens present, 630
 minutes, read, corrected and approved, c322

- Communications, Cont'd.
 opening at earlier hour, 624
 reimbursement for attendance of Representatives at, c130
 Special, 627, c103
 business transacted at, 633, s633
 Stated, when and where held, 623
 summons to attend funeral, 1077
 temporary Lodge-rooms, no dispensation needed, s787
 ten Lodges necessary, c104
 third degree, open and close on, 634, c325
 vote to destroy records, c321
 who may be present, c107
 See also Annual Communication; Lodge-rooms
- Compensation
 forfeited, 52, c132
 Grand Lecturers, 300
 Grand Officers, 146, c129, c131
 Grand Pursuivant, 301
 Grand Secretary, 291
 Grand Treasurer, 261
 Grand Tiler, 301
 members of Grand Lodge, 50
 Proctor, 306
 representatives of Particular Lodge, 51, c130
- Competency of witnesses, 1372-1377
- Complainant, 1243
 amendment of charges, 1249
 defined, p20
- Complaint of Masonic offense, 1082
 contents, rule, 1225, p25
 conviction by court of law, 1228
 defined, 1222, p21
 determination indorsed on, 1231
 dismissal, 1216, 1232-1233
 entertained, 1234
 facts must be stated, 1226
 Grand Master, action on, rule, 1229, p26-p29
 dismissal, 1216
 insane, accused committed as, 1230
 Masonic misconduct complaint preferred by Master, 983
 necessity for, 1223
 sources of information and belief in truth, 1227
 Trial Commission appointed for, 1234-1240
 who may make, 1224, c405, p22
- Composition of Grand Lodge, c102
- Computing time, 24, 1121
- Concealment
 initiation, punishment for, c407

- Concealment, Cont'd.
 Masonic offense, 1143
 limitation of prosecution for, p9
- Conduct, Masonic, 1124
 disrespectful or provocative, Masonic offense, p5 (e)
 members of Grand Lodge, 73
 unMasonic, disciplines, 1134-1221
- Conferring of degrees, *see* Degrees; First Degree; Second Degree; Third Degree
- Conflicting evidence, 1485
- Consistory of Ancient Accepted Scottish Rite Authority, 38
- Consolidation of Lodges, 880, c339-A
 By-Laws, s880
- Constitutional officer
 may not hold two offices at one time, 888, s888
See also Officers, Lodge
- Constitutions
 ballots on petition for degrees controlled by, 772
 By-laws, consistent with, 608
 charges, against Master, 976
 framed in language of, 1244
 construing, 26
 contents, 25
 counsel, right to bind by stipulation not conferred by, 1337
 define powers, duties and privileges of Lodge, c301
 defined, page c3
 disbursement of Lodge funds, 743
 disobedience to, Lodge may forfeit charter by, c336.3
 dues, right to require and regulate, 673
 initiation fee, minimum, 725
 paid in advance, 726
 return to rejected petitioner, 728
 legislation not in derogation of, 768
 Lodge charter, forfeiture pursuant to, 1422, p111
 Lodge must keep copy of, 598, c320
 officers elected under, removal or suspension, 989
 organization under Benevolent Orders Law, 761-762
 penal statute not construed to apply to, c403
 penalties for violation of Masonic law prescribed in, c404
 repealing clause, 27
 rescinding, 112
 Rule of Statutory Construction, 36
 second and third degrees, no fees, 735
 application, 736
 trials and appeals in pursuance of provisions of, c402
 violations of, Grand Master not to authorize, 203
 Masonic offense, 1155, 1182, p5 (b), p6 (b)

- Constitutions, amendments to, c601, c801-802
 - Grand Master to promulgate consent of Lodges to, 222
 - territorial jurisdiction changed by, 95
- Constitutions, Committee on, §32, rXI.8
- Construction, rule of, 36, c403
- Consummation of membership, c341, c348
 - by signing By-laws, 575
- Contempt, brother guilty of, disciplinary measures, 671
- Contemptuous language or conduct, Masonic offense, 1124, p5 (e)
- Contracts
 - making without funds, 1162
 - Masonic offense, 1189
 - Trustees, 1040
- Controversy
 - Grand Lodge judicial powers defined, 105, c400
 - exercise of appellate jurisdiction, 107
 - exercise of original jurisdiction, 106
 - See also Masonic discipline
- Contumacy, Masonic offense, 1124-1125, p6 (c)
 - District Grand Master may summon for, c133.9
 - instances, 1126-1132
 - Lodge may forfeit charter by, c336.1
- Convention
 - concerted action with respect to Grand Lodge and Grand Officers, 1066
- Conventions, Annual, for exemplification of Standard Work
 - see Standard Work and lecturers
- Conviction in (State or Federal) criminal court, c405
 - admission in answer to charges, 1271
 - charges based on, 1341
 - no punishment except upon, p12
 - presumptive evidence of offense, p91
- Convivial entertainment
 - does not justify assessment, 709
 - expenditures for, 748
- Corning Lodge, jurisdiction, c342
- Corporate stock, fraudulent representation a Masonic offense, 1151
- Correspondence
 - domestic, Committee on Masonic Jurisprudence, 344
 - Grand Secretary to conduct, 271, c118.7
- Correspondence and Relations, Committee on, rXI.4
- Corresponding Members
 - study and research Lodge may accept, 867
- Costs of trial, 1406, p300-p301
 - appeal, payments not prerequisite, 1446
 - assessing, 1479
 - Grand Master may order payment, 1409
 - how collected, 1408

- Costs of trial, Cont'd.
 - imposed on individual or Lodge, 1407
 - Lodge penalty, 1404
 - reversal of judgment does not exempt from, 1490
 - sentence and punishment, 1478
- Counsel, 1333-1334
 - accused, p81, p85
 - denied own choice, 1470
 - designated, 1324
 - notified of time and place of trial, 1322
 - failure to receive briefs, 1473
 - only Master Mason may act as, 1336
 - right to bind by stipulation, 1337
 - trial commissioners, 1335
 - witness, 1380, p66
- Country district, c110
- Court, Masonic
 - acquittal in State Court, 1214
- Courtesy degrees, 206-207
- Courts of law
 - acquittal in, 1214
 - conviction in, admission to, 1271
 - basis for charges, 1341
 - effect of resort to, 1108
 - fact stated in complaint, 1228
 - presumptive evidence of guilt, 1351-1352
 - evidence, admissibility, 1342
 - impeaching, 1348
 - felony conviction, suspension for, 1400, c405
 - member under indictment, eligibility for election, 893
 - record of judgment in, admissible in Masonic trial, 1346
 - trials conducted in accordance with, 1331
 - record of, 1347
 - witness implicating brother Mason or wife, 1093
- Credentials
 - authenticity, c506
 - foreign lodges, s89
- Credentials and Returns of Lodges, Committee on, 333, rXI.1
- Credit
 - not allowed, in making a Mason, c360
- Crime, conviction for
 - not disqualification for membership, s497
- Criminal court, *see* Courts of law
- Criminal offense
 - Masonic discipline, 1069
 - See also* Masonic discipline
- Custodians of the Work, 334, c102, c123
 - Grand Lecturer to qualify before, 295

- Custodians of the Work, Cont'd.
 - Grand Master may fill vacancies, 218
 - membership in Grand Lodge, 39
- Custodians of the Work, Committee, 334, rXI.9

D

- Date of service of paper, p14
- Deacons, Lodge Officers, 887
- Deacons, Grand *see* Grand Deacons
- Deaf candidate, dispensation for, s498
- Death
 - Committee on Necrology, 345, rXI.10
 - presumption of, 35, s689
 - vacancy in office by, c317.1
 - See also* Masonic funeral and burial
- Debate, closing of
 - Master may close, 959
- Debts
 - assessment levied for payment of, 713-715
 - enforcement of payment, 717
 - entire indebtedness, 716
 - disqualification for membership, 508
 - freedom from, prerequisite to granting of charter, 438
 - non-Masonic, prevention, 101
 - objecting to contracting, 1078
 - Temple, expenditures for, 749
- Deceit in initiation
 - limitation of prosecution, p9
 - punishment for, c407
- Decisions
 - amendments, c802
 - word, limitation, 27
- Decisions on appeal, 1487, p415
 - dissenting report, p109
 - effect, 1488, p114
 - filing, p110-p112
 - form, p108
 - notice of, to accused Lodge, p113
 - reversal, 1490, p416
 - sentence modified, 1489
 - written, p107
- Declarations
 - included in Constitutions, 25
- Declination of office
 - by failure to pay bond, Grand Secretary, c118.14
 - Grand Treasurer, c117.7
- Decorum, 73

Default, opening

Appeal from decision denying petition, 1443

application for, right to, 1427, p200

by, petition, 1428, p206-209

how made, p201

decision, 1433-1434

denial, appealable, 1438

Grand Master, 1437

oral argument not permitted, 1429, p204

proceedings, subsequent, 1435-1436

Proctor, duty, 1430-1432, p202-203, p205

Default in answer by accused, effect of, p38

Defense, against Masonic discipline

acquittal by State Court, 1214

advice of Lodge member, 1215

dismissal of complaint by Grand Master, 1216

failure to read petition, 1217

former jeopardy, 1218

payment of fees from candidates unlawfully initiated, 1219

restitution, 1220

sentence suspended, 1221

See also Charges

Definitions, 1-23, c700-704

included in Constitution, 25

Degree teams

foreign jurisdiction under dispensation, s835

picture in costume not to be published, s981

work in another Lodge, 981, s981

Degrees

advancement, from foreign jurisdiction, 207, c365

in another Lodge, 593, c364

not compulsory, 587

proficiency required for, c364

annual report of, to Grand Lodge, c313.6

ballot, making known a Masonic offense, c406

ballots on, Grand Master may not interfere with balloting on

petition for, 202

limiting number, 772

a right, c358

By-laws, sending for signatures, 594

ceremony, determined by Master, 949

communications open and close on Third Degree, 634, c325

conferring, admitting Brothers during, discouraged, s946

another jurisdiction, 206

another Lodge, 205, 981, c364

completed at single communication, 636

Grand Master may interdict, 213

Lodge for Masonic Study and Research may not confer, c333

Degrees, Cont'd.

- number of candidates at one time, 638-639, c361
 - dispensation for, 201
 - more than five a Masonic offense, 1206
 - number of degrees in given time, 640,
 - regular Lodge-room, 635
 - not conferred outside Lodge-room, 775
 - dispensation for, 189
 - Special Committee may be at, 637
 - who may perform work, rule, 641, 981
 - guest teams, s981
 - District Deputy Grand Master skilled in, c120
 - false, Masonic offense for participation in, c507
 - fee for, fixed by Lodge, 72, c600
 - Grand Master may not remit, 208
 - refund, when not conferred, 1052
 - first or second degree, no dramatization of, 834
 - of another jurisdiction, 835, s835
 - improperly listing candidates for, Masonic offense, 1187
 - interval between, 589, s589
 - dispensation to decrease, 190
 - Investigating Committee, 588
 - jurisdiction over petitioner for advancement, 478-482
 - limiting work to particular group illegal, 642
 - Master and Warden of new Lodge, c526
 - Master has no power to call special meeting for conferring, 955
 - may refuse to confer, 986
 - membership in Lodge ceased to exist, 489
 - non-Masonic, Master may not open Lodge to confer, 977
 - not permitted, 836
 - petition for, after adverse ballot for advancement, 504
 - proficiency in, prerogative of Master to determine, 964
 - proficiency in preceding degrees, 590-592, s590, c363
 - reballot, arrested advancement, 573
 - demand for, 563
 - when taken, 569
 - received in second Lodge, 487
 - accepting Lodge ceases to exist, 489
 - arrested advancement, 488
 - second and third without fees, 735
 - application, 736
 - Secretary reports to Grand Lodge on, 1025
 - source of Masonic authority, 38
 - study and research Lodge may not confer, 866
 - unlawful or irregular conferring, 1062
 - Lodge punished for, 1203-1204
 - Master guilty of Masonic offense for, 1176
- See also* First degree; Second degree; Third degree

- Delinquents, Committee on
 - remission of dues not permitted, 680
 - See also* Unaffiliation
- Delta or triangle
 - use in Lodge-room, 778
- Demand ballot, c358
- Demand for rebalot, 560
 - after acceptance, 567
 - after election to honorary membership, 565
 - after initiation and before advancement, 566
 - when and how made, 563
 - withdrawal, 564
- Demit, *see* Dimit
- Denial of charges, 1274, p83
 - determination, p100
- Denial of petition to open default, p208
 - appealable, p209
- Depositions, of witnesses
 - answers to interrogatories, 1310-1312, p67
 - as evidence in trial, 1344
 - form, 1315
 - objections, noted, 1309
 - to competency of witness, 1315
 - to question and answer, 1316
 - return of, p68
 - use and effect, 1314, p69
 - See also* Testimony
- Deputy Grand Marshal, 325, c102, c112
 - appointive officer, 138, c111
 - duties, c124
- Deputy District Grand Master, c133.2, c133.4, c133.6
 - presiding rights, c133.21
- Deputy Grand Master
 - delegating powers to, 179, c115
 - duties and powers, 248, c115
 - Elesonic Grand Officer, 133, c109
 - Masonic Law, power to decide questions of, 175
 - presides in Grand Lodge, 59
 - residence requirement, 132, 247, c110
 - succession to office of Grand Master, 145, c114
- Deputy Grand Master, District, *see* District Deputy Grand Master
- Desire-Desirous, defined, 5
- Destroyed ballot, 551, 5551
- Depository
 - Grand Lodge funds, 158, c116.1
 - Lodge funds, 1044

- Depository, Cont'd.**
 moneys paid to Trustees of Masonic Hall and Asylum Fund, 158, c208
- Destruction of records**
 approval, 159, c321
- Differences, determination of**
 Masonic discipline, rule, 1107
 civil tribunal, 1108
 religious, political or secular disputes, 1109
- Dimission, certificate of petitioners for new Lodge, c326**
- Dimit**
 after commission of felony, 1059
 conviction of felony, 1060
 annual report of affiliations to Grand Lodge, c313.6
 annulment, s667
 application for, 1058
 By-laws, non-affiliate by not signing, s582
 duplicate, 665
 Entered Apprentice or Fellow Craft no right to, 1050
 equivalent to waiver, s480
 forms, 669-670
 Grand Secretary, showing petitioner's status, 518, 579, c348
 Master can not, 967, s967
 reconsideration not permitted, 667
 refusal of Lodge to grant, Masonic offense, 1195
 request for transfer equivalent to, s660
 requested in writing, 666
 requisites, 668
 return of Brother, s667
 rule stated, 660
 exceptions, 661-664
 termination of Lodge membership, 586
 unaffiliation after refusal to grant, not permitted, 686
 Wardens may not, 1011, s1011
 vacates office by, 930
 when necessary, petition for membership, c341
 withdrawal by, 1092, s1092, c369
- Diplomas, Grand Lodge**
 fee, 131, c600.3
- Directors of Ceremonies, Grand, see Grand Directors of Ceremonies.**
- Directors of Masonic War Veterans, Inc., see Masonic War Veterans, Directors**
- Disability**
 blind petitioner, 511
 deaf candidate, s498
 dispensation for, c346.3
 Entered Apprentice. 1046-1047
 Grand Master may waive, for membership, 92

Disability, Cont'd.

leg amputation, dispensation for, s498

loss of fingers, s498

Master, c310

See also Physical qualifications of candidates

Disbursements, see Expenditures**Disciplinary proceedings, regulation of, p4****Discipline, see Masonic discipline****Disfranchisement**

for non-payment of dues, 672-673, 683, s683, c303, c367

Dismissal of complaint by Grand Master, 1232, p27-28**Disobedience of Masonic authority, Masonic offense, 1125, p5 (b), p5 (c), p6 (d)**

instances of, 1126-1132

Lodge, penalty, c336

rule, 1131-1132

Dispensations

deaf candidate, s498

degrees, conferring, place of, 635

in accordance with practice of another jurisdiction, 835

delayed installation of Master, s911

District Deputy Grand Master, for election to fill vacancies in office, 939, c133.19

granting generally, by Grand Master, 187, c113.8-11

Lodge for Masonic study and research, 445, c333

members of Lodge under, cannot petition to form new Lodge, 1095, c327

petitions for, see Petitions for dispensations

physical requirements, s498

vacancy in office, to fill, c318

Dispensations for new Lodge, 196, 199, c113.10, c326

fee for, 131, 444, c600

Grand Lodge may not remit, 109

revenue from, 131

second petition may be received, 808

selling influence for, Masonic offense, 1146

Stated Communications, time not varied by, s623

time limitation, 436, c329

unaffiliation by, petition for, 586

vacancy in office, to fill, c318

who may petition for, s421

Disqualification

effect of answers demonstrating, 515

Disrespectful language or conduct

Masonic offense, 1124, p5 (e)

Dissenting Trial Commissioner, 1357

report, 1412, p109

- Dissolution of Lodge, 882, c334
 charter, forfeiture, 883
 clandestine, s1156
 surrender, 884
 effect, 885-886
 termination of membership by, 586
See also Consolidation
- Distinguished achievement, Committee on Grand Lodge
 awards, 339, rXI.15
- Distinguished Achievement Award, 339, rXI.15
- District Deputies
 vote at seats, rXVII, rXVIII
- District Deputy Grand Master
 annual report to, on condition of Lodge, c313.8
 annual statements, blanks for, c118.11, 12
 appointment by Grand Master, c111
 Grand Master signs warrant of, 232
 Grand Secretary to warrant, 268
 notification to Lodges of, 277, c118.11
 warrant of, 317
 appointive officer, 138
 authority on appointment, s308
 blanks forwarded to, 280
 for annual statement, 282
 candidates, can not decide physical qualifications, 311
 certifies proof of skill in work for new charter, 440, c332
 communicates sentence of reprimand, 174
 complaints referred to, 223
 dispensation to, for election to fill officer vacancies, 194, c318
 for holding election to fill three office vacancies, 939
 duties, powers and privileges, 308, s308, c121
 assembles Lodge and holds elections, 309
 certifies Lodge under dispensation, 310
 property of dormant or extinct Lodge, to take possession of, 318
 receives notice of appeal from acts, 315
 reports to Grand Master, 313
 to Grand Secretary, 314
 election of officers, notified of, 1027, c313.7,10
 eligibility requirements, 132
 errors or evils in district, 324
 installation, c133.1
 interfering with acts of, 214
 Master of Particular Lodges, may act as, 173, c120
 Master refusing to admit, subject to discipline, 1172
 member of Grand Lodge, c102
 professional advice on non-Masonic matters, not required, 312
 qualifications, 307, c120
 seated with District at Grand Lodge-room, rXVII

- District Deputy Grand Master, Cont'd.
 Secretary to make return to, 1024
 selling influence, Masonic offense, 1146
 statements from Grand Secretary, c118.12
 title, c112
 unaffiliated Mason, power to restore, 316
 vacancy in office, c133.2
 visit to Lodges, 319
 annual official visit, 320-321
 expenses of visit, 323
 facts to be ascertained at, 322
 receiving and acknowledging, 806
 vote at election of Grand Officers, rXVIII
 vote by call of Lodges, 72
- District Grand Lodge
 By-laws, c133.16
 Grand Master may appoint District Grand Masters for, c111
 meetings of, c133.15
 record of, c133.12
 regulations, c133
- District Grand Masters, c133
 appointed by Grand Master, c111
 dispensations, c133.19
 duties, powers and authority, c133
 may deputize, c133.22
 presiding rights, c133.20
 vacancy in office, c133.2
- District Grand Officers, c133.3, c133.4
 names, addresses and Lodges transmitted to Grand Secretary, c133.7
 qualifications, c133.8
 rank, c133.14
- District Grand Secretary, 133.7
 Proxy, certificate filed with, c133.18
- District Grand Treasurer, c133.5
- District Junior Grand Warden, c133.2, 4
- District officers
 may not direct funds for district function, s743
- District Senior Grand Warden, c133.2, 4
- Districts, Masonic, 31
 Metropolitan, 15, c110
 new Lodges in, 423-426
 report on condition of, c121.4, 5
 seating at Grand Lodge-room numbered by, rXVII
 to remain as organized, c504
 vote, by call of Lodges, 72. c123
 at election of Grand Officers, rXVIII
- Disturbance in Lodge, 946

- Divine Worship
 - procession for attending, dispensation, c133.19 (b)
- Divorce
 - false evidence, unMasonic conduct, 1136
- Documents
 - charges based on circulation of, 1246
 - cipher, prohibited, c500
 - Grand Secretary to keep, c118.3
 - secret rituals, purporting to be, prohibited, 838
 - ticket selling or solicitation, approval by Grand Master, 157
- Domicile
 - definition 6, c701
 - jurisdiction, 465, s465
- Donations
 - appeals to other Lodges for, approval by Grand Master, 621, c501
 - approval by Grand Master of appeals for, 157
- Dormant Lodge
 - funds and property of, c121.3
- Downtrodden, assistance to, page c4
- Dropped from rolls, c369
- Drug addiction
 - treatment costs, a Masonic purpose, 700
- Drunkenness, habitual
 - Masonic offense, 1138
- Dual membership, 1070, 1094, c348
 - annulment of dimit, s677
 - By-laws, signing, 578
 - effect of signing, 583
 - clearance certificate for restoration in home Lodge, s830, s1102
 - Lodge under dispensation, 1095
 - Master in only one Lodge, 1094, s1094
 - Master Mason, c349
 - not affected by membership in Lodge for Study and Research, 1070, c349
 - not completed, Secretary to notify Lodge of, 1028
 - petitioners for dispensation, 421
 - restoration after unaffiliation, s929, s1102
 - unaffiliation, 688, 929
 - of and by Master, 1007
 - by Warden, 1016
 - vacancy in office by, c317.7
- Dues and Timely Notice of meeting, 28
- Dues
 - annual, 673-675
 - arrears not payment of, s1102
 - at request for dimit, s663
 - By-laws, amendment or repeal, 676, c319, c367
 - classes of members, 677

Dues, Cont'd.

- distinguished from assessments, 672
- dual membership, 1094, c349
- evidence of standing of petitioner for dispensation, 433
- extinct Lodge, members of, 1096
- failure of Lodge to pay, 47
- Grand Lodge, 131, c600-602
 - failure to pay, Masonic offense, 1190, c324, c336
 - limitation as to, 674
 - must pay, 831
- indigent brother, s678.
- Life or Privileged members, 649-652, 676, 1098, s649, s1098
 - changing, 676
 - members refused dimit, 1058
 - payment of arrears not payment of, c1102
 - petitioner for new Lodge, c326
 - pre-requisite for life membership, s1098
 - remission, 678
 - by committee, not permitted, 680
 - does not constitute payment, 681
 - Grand Lodge per capita, not included, 679
 - life membership, 650, s650
 - members in service, s678
 - resident and non-resident members, 653
 - right to require and regulate, rule, 673
 - Masonic Club, s673
 - suspension no relief from payment, c368
 - tax exempt, 585
 - unaffiliated Mason, 23, 1102
 - unaffiliation, not counted toward life membership, s650
- Dues, non-payment, 1083
 - disenfranchisement at election of officers, 683, s683, c303
 - Lodge failing to pay, 47, c324, c336.5
 - Master can not be unaffiliated for, 1007
 - not bar to holding office, 683, s683
 - penalty for, 682, s683, c367
 - publishing names of unaffiliates, 985
 - representation in Grand Lodge forfeited by, 817
 - restoring to membership after suspension for, 820
 - indebtedness must be paid before vote on, s824
 - summons to delinquent, 689-690, 1088, s824
 - unaffiliation for, 684-686
 - dual membership, including officers, 929
 - full payment to avoid, 692, s692
 - insane brother, not permitted, 687
 - Lodge Master or Warden, not permitted, 688
 - vote necessary for, 691
 - Warden not unaffiliated for, 1016

Dues cards, 693

E

Earn living

qualification for candidate, 498, c346..

Eastern Star Chapter

examining visitor to, 1072

may not form joint corporation with Masonic Lodges, s760

Edicts of Grand Lodge

failure to observe, a Masonic offense, p5 (b) , p6 (b)

Education of children of Masons

Trustees to provide for, c202

Egypt, Grand Lodge of

member from, s1104

Ejecting members or visitors, by Master, 946

Elected Master, obligation imparted by Grand Lecturer, 297

See also Master

Election

candidates, blackball, 1141, s1141

By-lays may not change manner of, 618

Directors of Masonic War Veterans, 407

Grand Officers, 65, c109

seal on certificates, c513.10

Lodge officers, 855, 898, c302-c303

See also Election of officers

members entitled to vote, 1091

physical defect arising after, 499

Election of officers

annual, 855, 898, c302-c303

Master liable to discipline for failure to summon Lodge for, 1173
ballot, chosen by, 902

Secretary to provide, 283

date, change not permitted, 193

disenfranchisement for non-payment of dues, 672-673, 683, c367

District Deputy Grand Master to assemble Lodge for, 309

Foundation for Medical Research and Human Welfare, members
of, 391, 396

Grand Master may grant dispensations for, c113.8,9

District Grand Master, c133.19 (e)

Grand Officers, *see* Grand Officers

irregular, effect of installation on, 920

Lodge, 887, s887

Lodge summoned for, 900-901

lower officers, 860

Master, dispensation for, c302

nominating speeches, 856, 903

proxy, 718

blanks for, 281

regular, can not be avoided, 857

- Election of officers, Cont'd.
 - returns and certificates of, c313.7
 - Secretary to affix seal to, 1020
 - Trustee under Benevolent Orders Law, 899
 - unsummoned Communication, Masonic offense, 1183
 - voiding, failure to sign By-laws, 583
 - voting, 904-907
 - Wardens may not be elected to other office, 1012
- Elective office
 - filling vacancy in, c302, c318
 - Trustees of Hall and Asylum Fund, c200
- Elective officers, c109, c110
- Eligibility
 - candidates, 654
 - Lodge officers, 888, s888, 1071, c304
- Embezzling funds
 - Masonic offense, 1152
- Emblem
 - loaning or giving female relative, 1073
 - using as trademark, 1089
 - using to advertise, 1149
 - See also* Symbols
- Emergent Communication
 - defined, 22
 - Master may call, 955, c309.1
- Emeritus officer, conferring title of, 804, s804
- Endowments, Committee on, 335, rXI.17
- Employment, Boards of Relief and Employment Bureaus, 329
- Entered Apprentice
 - advancement, jurisdiction, 478-482, s480
 - in second Lodge, 489
 - refused, not entitled to trial, 1053
 - right to, 1045
 - courtesy visit to Lodges, 948, 1054
 - degrees, unlawful or irregular conferring of, 1062
 - dimit not granted to, 661, 1050
 - discipline, subject to, 1055
 - fees, 131, c600.6, c600.7
 - funeral service, Lodge may conduct, 756, 1051
 - initiation, fees, 131
 - in another Lodge, 1049
 - unlawful or irregular, 1048
 - membership as, c340.3
 - passing or raising, jurisdiction, c305
 - physical defects, 1046-1047
 - refund, no right to, 1052
 - report on, to Grand Lodge, c313.6
 - Secretary reports on, 1025

- Entered Apprentice, Cont'd.
 unaffiliation, 684, s684
 See also First Degree
- Entertainment
 does not justify assessment, 709
 expenditures for, 748
- Erie County, territorial jurisdiction, 449, c342
- Error
 District Deputy Grand Master to arrest, 324, c121.2
 in minutes, correcting, 796, c322
 in petition, c353
- Evicting tenant by Trustees, 1042
- Evidence, Masonic trials, 1339-1341, p90-91
 admissibility, 1342-1343
 circumstantial, 1350
 depositions, 1344
 failure of proof, 1481
 hearsay, 1345, 1482
 new, 1483
 presumptive, 1351
 burden of proof on accused, 1341
 overcoming, 1352-1354
 questions of fact, 1485
 remote, 1484
- Evils in District, duty of District Deputy Grand Master
 to correct, 324, c121.2
- Examination, 12
 Master Mason, c363
- Examiner, 1293
 appointment, form, 1305
 certified papers, return to Chairman of Trial Commission, 1312-1313
 duties and powers, 1307
 failure to appear before, Masonic offense, 1132
 interrogatories and cross-interrogatories, answers to, 1310-1311
 objection to form of question noted, 1309
 testimony transmitted to, 1306, p67-68
 witness, may compel attendance of, 1308, p66
- Exclusion
 disciplinary measure, 671
 members and visitors, by Master, 946, s946
- Exculpatory facts
 accused pleads, 1386-1387, p83
 determination, p100
- Exculpatory statement, in admission of charges, 1272
- Executive functions of Lodge
 Master to discharge, 970
 of Grand Lodge, Grand Master, c113.2
- Exemplification of Standard Work, see Standard Work and lectures

- Expelled Lodge
 - members of, 1096
- Expelled Mason, 1103
 - aggrieved Lodge, 1
 - can not testify at Masonic trial, 1374
 - Committee on Restorations, 348, rX1.6
 - action by Grand Lodge on report of, 124
 - reference to, 123
 - judgment reversed, 1490
 - publishing of names prohibited, 805
 - restoration, 113-124, p500-505
 - by Grand Master, not authorized, 228
 - effect of, 125
 - Grand Lodge, recommendation by, 809
 - suspension equivalent to, 1100
 - See also* Expulsions
- Expenditures
 - Grand Lodge finance, 337, c117.6
 - Permanent Fund, 18, 128, c203
 - Grand Master may withdraw funds, 240
 - Lodge funds, 743-745
 - benevolences and charity, 746-747
 - debt on Temple, 749
 - entertainment, 748
 - outside budget, s743
 - records of, c321
 - Reserve Fund, 20, c203
 - revenue from real property, 129
 - Trustees, 1041
 - See also* Funds; Relief assistance
- Explanation in admission of charges, 1272
- Expulsions
 - District Grand Master no power in, c133.11
 - penalty for Masonic offense, 1398
 - penalty for misrepresentation in initiation, 1401, c407
 - punishment, from all rights and privileges, 1414, s1414, c405
 - record book of, Lodge must keep, 602
 - register of, Lodge to maintain and preserve, 1032, c313.4, c320.5, c321
 - resolution, void, 586
 - reversal of decision for, p416
 - vacancy in office by, 926, c317.5
 - See also* Expelled Mason
- Extinct Lodge
 - funds and property of, c121.3
 - members of, 1096

F

- Failure to answer charges, p81
 - determination of Trial Commission, p101, p103
- Failure to read petition, no excuse for misconduct, 1217
- Fair dealing, 719
- Faith of Masonry, page c3
- Fallsburg Lodge, 1122
 - jurisdiction, 451, c342
- Fame Lodge, 945
 - jurisdiction, 455
- Family, neglect to provide for, Masonic offense, 1144
- Fear God, page c4
- Feeble, assistance to, page c3
- Fees
 - affiliation, 720, c600.6
 - Lodges pay to Grand Lodge, 831
 - degrees, allocating use of, 723
 - first, unlawful conferring before payment, 1204
 - fixed by Lodge, 721
 - Grand Master may not remit, 208
 - not always same, 722
 - second and third degrees, none for, 735-736, c360
 - dispensation and charter, 444
 - Grand Lodge, 131, c600-c602
 - study and research Lodge need not pay, 869, c333
 - failure to pay, 1159
 - initiation, *see* Initiation fee
 - Master Mason, dual membership, c349
 - new Lodge, remitting not permitted, 225
 - Grand Lodge may not remit, 109
 - return, 728-734, 755, c360
 - revenue sources of Grand Lodge, 131, c600-602
- Fellow Crafts, 1045
 - advancement, in second Lodge, 489
 - jurisdiction for, 478-482
 - refused, no trial, 1053
 - affiliation fee, 131
 - annual report of, to Grand Lodge, c313.6
 - Club subject to control of Master, 972
 - courtesy visit to Lodges, 948, 1054
 - dimit not granted to, 661, 1050
 - discipline, subject to, 1055
 - funeral service, Lodge may conduct, 756, 1051
 - initiation, in another Lodge, 1049
 - unlawful or irregular, 1048
 - Master Mason, fee, c600.6
 - membership as, c340.3
 - passing or raising, jurisdiction, c365

Fellow Crafts, Cont'd.

- physical defects, 1046-1047
- proficiency in preceding degree, 590-592, c363
- refund, no right to, 1052
- Secretary to report on, 1025
- unaffiliation, 684, s684

Felony, defined, 7

- charge of, 1115
 - limitation of prosecution for, p8
- commission of, 1059-1060
- complaint of Mason misconduct, 983
- conviction, c405
 - fact stated in complaint, 1228
 - suspension after, 1060, 1400

Female degrees

- conferring censurable, 836

Fifty Year Service Award, Committee on, 336, rXI.16

Filing decision of Trial Commission, 1420

- notice of, 1421

Filing minutes of trial and exhibits, 1423

Finance, Committee on, 337, rXI.7

- accounts examined by, c119

Finances, Grand Lodge

- Committee on Lodge Records and Finance, 341
- fiscal year for compensation of Grand Officers, 146
- Grand Secretary pays over moneys to Grand Treasurer, 284, c118.5
 - reports to Grand Lodge, 288, c118.6
- Grand Treasurer, duties concerning, 257-260, c117
- may not interfere with Lodge control of, 97
- Permanent Fund, defined, 18, c203
 - appropriations from, 128
- Reserve Fund, defined, 20, c203
- revenues, from real property, 129
 - sources, 131
- Sinking Fund, defined, 21
- Special or Trust Fund, 130

Finances, Lodge

- control, financial affairs, 97
 - must keep records, 599, c320.6, c321
- disbursement by Trustees, 1041
- Sinking Fund, defined, 21
- Trustees select depository, 1044

Finances, Trustees of Masonic Hall and Asylum Fund, c202, c203

Financial statements of Grand Lodge, 337

Fines

- at discretion of Lodge, illegal, 671
- punishment by, 1393, 1403
- reimbursement not permitted, 753

- Fire insurance, Lodge property, 764
 - assessments for, s698
- First degree, c361
 - conferring in another Lodge, dispensation for, 205
 - fee fixed by Lodge, 721, c360
 - guest teams, s981
 - improperly listing candidates for, 1187
 - membership acquired by, c340.2
 - no dramatization of, 834
 - unlawful conferring, forfeiture of Lodge charter for, 1204
- Flag
 - foreign, display improper, 631
- Foreign Correspondence, Committee on, 338
- Foreign flag, display improper, 631
- Foreign jurisdiction, advancement of candidate from, 207, 480
- Foreign language By-laws, 607
- Foreign languages, working in, 607
- Foreign Lodge
 - advancement in, 595
 - sending By-laws for signature, 594
 - authenticating credentials of members of, s89, c506
 - consent to initiation of petitioner, 446
 - suspension from, 1101
- Forfeiture
 - per diem, Grand Lodge, c132
- Forfeiture of Lodge charter, 102, 883, c336-c338, p106, p111
 - as penalty, 1405
 - District Grand Master has no power, c133.11
 - non-payment of dues, c324
 - unlawful conferring of degrees, 1204
- Forms
 - appeal, notice of, 1450
 - notice of submission or argument of, 1458
 - ballots for Annual Communication, 283
 - blank, pages c116-c119
 - blanks furnished by Grand Secretary, 280-283
 - certificate of proficiency of Master and Wardens, 428-432
 - certificate of service of charges, 1257
 - by profane, affidavit, 1259
 - dimit, 669-670
 - dispensation, petition for, 419
 - recommendation for granting, 427
 - District Deputy Grand Master, annual statement, 282
 - election of proxies, 281
 - exculpatory statement in answer to charges, 1272
 - Lodge returns, 280, c313.8
 - plea in mitigation of punishment, 1273
 - summons for witnesses, 1369

Forms, Cont'd.

- summons to brother in arrears, 690
- testimony, commission to take, 1305
 - application to take, 1296
 - interrogatories and cross-interrogatories, 1298-1299
 - order granting, 1297
 - settlement of, 1302
 - stipulation for taking, 1292
- Trial Commission, application for, 1294
 - challenge to, 1284
 - decisions of, 1416-1419

Foundation for Medical Research *see* Masonic Foundation for Medical Research**Foundation of Masonic jurisprudence, p2****Fraudulent representation in corporate stock, Masonic offense, 1151****Free born, 495****Friendship, ties of, page c3****Funds, Grand Lodge**

- authorizing disbursements in excess of budget, 166
- depository to be approved by Grand Master, 158
- fees and dues, c600
- Grand Secretary receives and pays over, 284
- interfering with use of, 215
- permanent, 18, 128, c203, c205
- real property, revenue from, 129
- Reserve, 20, c203
- Sinking, 21, c204
- soliciting, approval of Grand Master for, 157
- sources, 131, c600-c602
- Special or Trust, 130, 382, c206
- synonymous with assets, 29
- withdrawal by Grand Master, 240

Funds, Lodge

- assessments, c371
- available, how determined, 713
- benevolences and charity, 746
- can not be hoarded, s695
- control, 741, s741
- debt on Temple, 749
- defined, 738
 - exceptions, 739-740
- deposit with petition not included, 739
- depository, 742, 1044, c117.1
- designated agent, 744-745
- disbursements, 743, 1041, s743, c372
 - for refreshments, s743
- district function, not used for, s743
- entertainment, 748

Funds, Cont'd.

- improper use, Master may refuse to entertain motion for, 987
 - loans to members, 751
 - Lodge organized under Benevolent Orders Law, 873
 - non-Masonic, 747
 - paying personal pledge of member, 752
 - reimbursing fine or costs of trial, 753
 - relief, use for, c372
 - restrictions on empenditures, disbursement among members, 750
 - returning arrears to unaffiliate, 754
 - returning fees, 728-734, 755
 - Secretary pays over moneys to Treasurer, 1030
 - Sinking, 21, c204
 - synonymous with assets, 29
 - withholding, charges preferred for, 1169.
- Funds, Trustees of Masonic Hall and Asylum Fund, 372-373, c204, c206
- Funds**

See also Finances; Property

Funeral, Masonic, *see* Masonic funeral and burial

G**G, letter**

use in Lodge-room, 778

Gambling

- premises not to be used for, 757, s757
- General Grand Council of Royal and Select Masters of the United State, *see* Royal and Select Masters
- General Grand Royal Arch Chapter of the United States, *see* Royal Arch Masons

Gift enterprises

- premises not to be used for, 757, s757
- God, belief in, 500, 513, 515, s500, s1161, page c3, c346.1
- fear of, page c4

Good Masonic standing

- defined, 8, c700
- effect of charges, 9
- essential to membership in Grand Lodge, 49
- life membership, entitled to, s649, s649 or s650
- necessary as eligibility to office, c304
- unlawful or irregular conferring of degrees, 1062

Good report, 497

Good repute of Masonic institution, discipline as preservation of, 1106

Good standing, *see* Good Masonic standing

Government, support of, page c4

Grand Army of the Republic

Lodge-rooms not used by, 779

Grand Chaplains

- appointive officer, 138, c111
- duties, 292, c122

- Grand Chaplains, Cont'd.
 member of Grand Lodge, c102
 number, c111
 term of office, c111
 title, c112
- Grand Chapters recognized, 91
- Grand Commandery of the State of New York, *see* Knights Templar
- The Grand Council of Royal and Select Masters of the State of New York, *see* Royal and Select Masters
- Grand Deacons
 appointed by Grand Master, 138, c111
 duties, 325, c124
 title, 142
- Grand Directors of Ceremonies
 appointed, 138, c111
 duties, 325, c124
 title, c112
- The Grand Encampment of Knights Templar of the United States, *see* Knights Templar
- Grand Historian
 appointed by Grand Master, 138, c111
 duties, 325, c124
- Grand Lecturer
 annual conventions held by, 298
 annual meetings with assistants, 296
 appointive officer, 138, c111
 appointment, 293
 certifies ability of Lodge under dispensation, 299
 certifies proof of skill in work for new charter, 440, c332
 compensation, 300, c129
 duties, 295, c123
 regarding Committee on Custodians of the Work, 334
 eligibility requirement 132
 qualifications, 294, c123
 Standard Work, teaching, 297
 teaching other than, violation, 1168
 term of office, c111
 title, 142, c112
- Grand Lodge, 39, c100
 absence, forfeit of compensation, c132
 accounts, at expiration of Annual Communication, 53-54, c103, rXIII-rXVI
 adjournment, 40
 conduct of members, 73
 admission to, c107
 appeal from decision of Master or Warden, 96, 974, c311
 appeal to, objecting to contracting of debts, 1078

Grand Lodge, Cont'd.

- Appeals, Commission of, action reported to, 360
 - Commissions confirmed by, 352, c125
 - decision on report of, conclusive, rule, 1488
 - appellate jurisdiction and authority, 107, 1440, p401, p416
 - assessments, ordering and reviewing, 98-99
 - chartered Lodge bound by law of, 585, c301
 - clandestine Mason, consent regarding, 1104
 - Code of Procedure, amending or suspending, 84, 85
 - trials and appeals in accordance with, c402
 - Committees, appointment, 326, rXI
 - members, number, 327
 - particular, 329-349, rXI
 - propositions referred to, 69
 - terms, 328
 - Communication, proxy to, 718
 - reimbursement for attendance at, c130
 - compensation of Grand Officers fixed by, 146, c129
 - of members, 50, c129
 - Composition, 102
 - concerted action with respect to, 1066
 - conduct of members, 73
 - Constitutions, Book of, amending or suspending, 84, 85, c801-c802
 - Lodge to keep copy of, 598
 - rescinding, 112
 - contumacy to authority of, Masonic offense, 1124-1125, p6 (c)
 - correspondence, 271, c118.7
 - Deputy Grand Master delegated functions of, 248, c115
 - District Deputy Grand Master, 308, c121
 - District Grand Lodges, formation, c133
 - District Grand Master, powers determined by, c133
 - dues of Lodge to, suspension of member does not affect, c368
 - expelled Lodge, exemption of members, 1096
 - expelled Masons, powers regarding, 113-115
 - fees, dispensation or initiation, may not remit, 109
 - failure of Lodge to pay, Masonic offense, 1190
 - Grand Lodge Traveling certificate, 131, c600.4
 - new Lodge, may be remitted, 109, 444
 - sources of revenue, 131, c600
 - Finance, Committee on, duties, 337, c119, rXI.7
 - Foundation members, officers not eligible as members, 390, 403, c250
 - removal from office, 110, 394, 397, c251
 - funds, authorizing disbursements in excess of budget, 166
 - depository to be approved by Grand Master, 158
 - Permanent, 128, c203
 - real property, revenue from, 129
 - sources, 131, c600
 - Special or Trust, 130, c206

Grand Lodge, Cont'd.

- Grand Master, decisions of, right to review, 126
 - executive and judicial functions, 148, c113.2, c115
 - nominations confirmed by, 141
 - presides in, 59, 221, c113.1
 - voting powers, 79
- See also* Grand Master
- Grand Officers, *see* Grand Officers
- Grand Secretary, duties, 284-288, c118
 - attends upon, 267
 - attests instruments, 268
 - notifies of election of Grand Officers, 276
- See also* Grand Secretary
- Grand Treasurer, accounts at expiration of term, c117.8, c119
 - attends upon, 256
 - duties prescribed by, 255, c117
- See also* Grand Treasurer
- Grand Tiler may not vote, 80, c105
- Grand Wardens to assist in affairs of, 250, c116
- instruments, certification, c118.4
- judicial powers, defined, 107, c400
 - exercise of appellate jurisdiction, 107, 1440, c101
 - exercise of original jurisdiction, 106
- laws, rules or edicts, violation by individual, 1155, c507
 - by Lodge, 1182
- Lodge By-laws, 609, c319
- Lodge charter, forfeited, 102, 883-885, 1405, 1422, c337-c338, p11
 - suspended, 104, 234, 881, c339
- Lodges, dues to, 674
 - financial affairs, non-interference, 97
 - libraries recommended by, 769
 - precedence in, 802, c108
 - proceedings submitted to, 839
 - removal, sanction of, 786
 - representation, 817
 - not represented, 47-48, c324
 - return and payments to, 831
 - ten necessary to open, 56, c104
 - transcript of proceedings and By-laws of new Lodge to, 443
 - under dispensation, not represented in, 878, c328
- making Masons at sight, 216
- Masonic authority, source, 38, c101
- Masonic Districts, alteration of, c504
- Masonic Hall and Asylum Fund, funds paid to Trustees of, 372, c206
 - removal, c201
- Masonic Law, decisions regarding, 175, s175
- Masonic organizations or bodies, recognition of, 91, c508
- Masonic regularity, determining, 89

Grand Lodge, Cont'd.

- Masonic War Veterans, Posts of, 415, c275-c279
- membership, good standing essential, 49, c102
 - members at opening, 56, c102, c107
- Metropolitan District, 15, c110
- moneys deposited in name of, c117.1
 - Grand Secretary receives and pays, 284, c118.5,6
- name, use of, 37, c100
- non-Masonic debt, prevention, 101
- officers, *see* Grand Officers
 - none but members, c107
- opening of, c104
- papers, 285, c118.3
- payments to, a Masonic purpose, 696
- per capita tax to, may not be remitted, 679
- Permanent Fund, 373, c203
- physical soundness requirement, may waive, 92
- powers, c400
 - particular, 84
 - supreme, sovereign and inherent, 81-82, c101
- precedence of Lodges in, 802, c108
 - of officers, 60
- presiding officer, 59-60, 221
- Proceedings, Lodges to preserve copies of, 600
 - Lodges, submitted to, 103, c323
 - Lodges under dispensation, c332
- Proceedings, Order of, rXIII-rXVI
- publishing names of rejected, suspended or expelled persons
 - prohibited, 805
- questions, subject or propositions, 982, rXII
- quorum, for business, 56, c104
 - for ceremony, 57
 - adjournment for want of, 40
- relief to worthy brother, 100
- religious services, 292, c122
- Representatives, 384-387, c104
 - appointing, receiving, accrediting, 153, c113.12
 - compensation, 51, c130
 - Proxy as, 43, c106
 - voting power, 78, c105
- Reserve Fund, 20, c203
- restoration to membership, after expulsion, 809-811, 818
 - after suspension, 819, p500-p506
- revenues, sources, 131, c600-c602
- roster, changing name on, 88, 1065
- Rules of Order, amending or suspending, 87
 - punishment for transgressing, 75, rIV
- seal, 276, 693, c364

- Grand Lodge, Cont'd.
 seating arrangement in, 58
 Secretary to make annual return to, 1025, c313
 Sinking Fund, 21, c204
 speaking, manner of, 74, rVIII
 Special Communications, 55, 83, c103
 Grand Master may call, 167, c103
 notice to Particular Lodge, 185
 special trusts, vote on purpose for, 382
 Standard Work and Lectures practiced in every Lodge, 834
 prescribed by, 297
 Standing Committees, rXI
 study and research Lodge may not vote in, 868, c335
 suspension, terminating penalty of, 127, c405
 titles of officers, 93, c112
 transactions of, publishing, 388
 Grand Secretary records, 286, c118.1
 Trustee of Masonic Hall and Asylum Fund, books open to, c201
 removing, 111
 violations of laws, rules or edicts of, Masonic offense, c507, c509,
 p5 (b), p6 (b)
 visitors to, 76
 voting power of members and officers, 77-80, c105
- Grand Lodge Awards for Distinguished Achievement, Committee on,
 389, rXI.15
- Grand Lodge Medal for Distinguished Achievement, Committee
 to recommend award, 389, rXI.15
- Grand Lodge-room
 numbering of seats in, rXVII
- Grand Lodge Traveling Certificate
 fee, 131, c600.4
- Grand Marshal
 appointive office, 138, c111
 duties, 325, c124
 member of Grand Lodge, c102
 term of office, c111
 title, c112
See also Deputy Grand Marshal
- Grand Master, 133, c109
 absence, succession to Chair, c114, rIX
 accountant, consent to payment of, c119
 appeal from decision while presiding, non, 221, 974
 appeals to, concerning decision of Master of Particular Lodge, 176,
 c311
 objection to contracting of debt, 1078
 rejection from attendance at own Lodge, 1090
 stay of execution pending, 1454, p410
 audit expense, 161

Grand Master, Cont'd.

- bond required of Grand Secretary, 162
 - of Grand Treasurer, 163
 - of Treasurer of Masonic Hall and Asylum Fund, 164, c207
- business enterprise, official endorsement not to be given, 212
- candidates, arresting progress of, 165
- charity, withdrawing funds for, 240, c203
- circulars or appeals to other Lodges, 157, 621; c501
- clandestine Mason, consent regarding, 172, 1104
- communication to Lodge from, 807
- complaint to, 1222-1228, p25
 - actions on, 1229-1231, p26-p29
 - dismissal, 1216, 1232-1233
 - entertained, 1234-1236
 - prosecution commenced, 1117
 - referred to District Deputy Grand Master, 223
- Constitutions, amendment to, duty, 85
 - promulgating consent of Lodges to, 222, c801
- contumacy to authority of, Masonic offense, 1178, p6 (c)
- correspondence of Grand Lodge, 271
- decisions of, review, 126
 - no appeal from decision in chair, 221, 974
- degrees, interdicting conferring of, 213
- depository of Grand Lodge funds approved by, 158, c117.1
- Directors of Masonic War Veterans' election approved by, 160, c278
 - may suspend, 233, 413
 - reports to, 416
- discipline, Grand Lodge acts through, 106
- displaced, can not be during term, 147
- District chosen from, c110
- District Deputy Grand Master, delegating powers to, 179, 248, c121.5
 - deputized duties of, 308, s308
 - holds office at pleasure of c133.12
 - interfering with acts of, 214
 - signs warrant of appointment, 232, c120
 - to make report to, 313, c133.13
- District Grand Lodge By-laws and Regulations, approval, c133.16
- District Grand Lodges, may direct formation of, c133
- duties and powers, 148, c113
 - delegation of, c115
- expelled Lodge, exemption of members, 1096
- expelled Mason, restoring not authorized, 228
- Finance, Committee on, direction of, 337, c119, rXI.7
- Grand Chaplain to attend upon, 292, c122
- Grand Lodge, authorizing disbursements, in excess of budget, 166
 - opening of, c104
- Grand Officers, attendance and information required of, 227
 - duties prescribed by, c127

Grand Master, Cont'd.

- Grand Pursuivant and Grand Tiler, duties prescribed by, 301
- Grand Secretary to attend upon, 267, c117.8
 - bond filed with, 183, 285, c118.14
- Grand Treasurer, approval of bond of, 252, c117.7
 - extending time for filing, 183
 - duties prescribed by, 255
 - to attend upon, 256, c117.5
 - to pay orders drawn by, 257, c117.3
- groups nominated by, 141
- jury for exclusion of member, s946
- legal adviser, 303, c126
- Lodge charters, arresting or suspending, 881
 - certifying surrender of, 168
 - charges concerning forfeiture presented to, 883
 - restoring, 229
 - suspension, 234
- Lodges, actions set aside, 833
 - assessments, compelling, 169
 - may review, 230
 - to grant relief, 170
 - charter suspended, c339
 - consolidation, 880, c339-A
 - convening and presiding in, 173
 - funds, interfering with use of, 215
 - meeting-place, removal, 231, c343
 - new, remitting fees not permitted, 225, 444
 - notices, mailing of, 224
 - officers, suspending, 236
 - Special Communications, 185
 - professional advice on non-Masonic matters, not required, 186
 - records, consent in writing for destruction or transfer, 159, 605, c321
 - removal, sanction of, 786
- making Masons at sight, 216
- Masonic appeal defined, p400
- Masonic error or evil reported to, c121.2
- Masonic Foundation, suspension of members, 235, 399, c251
 - vacancy, declaring, 177, c250
- Masonic Hall and Asylum Fund, Trustees, books open to, c201
 - declaring vacancy, 178, c200
 - depositories approved by, c208
 - nominated by, c200
 - reports rendered to, 380, c201
 - suspending, 238, c201
- Masonic Hall and Asylum Standing Committee, requests to, 349
- Masonic Law, power to decide questions of, 175, s175

Grand Master, Cont'd.

- Masonic trial, may direct charges be prepared for, 181
 - may stay, 1332
 - order to terminate, 1364
 - ordering payment of costs, 219
- Masonic War Veterans, may suspend or revoke Post charter, 237, c277
 - nominations for, c278
 - suspensions, 413-414, c279
- Master, prerequisite qualifications for, may not change, 188, 889
 - suspension from office for Masonic offense, 976
 - refusal to entertain motion, appeal to, s987
- Masters, meetings of, 973
 - vacancies in offices of, notified of, 1026, c318
 - ad interim, filling, 937-939
- may waive proficiency requirements, s590
- meeting-place, consent to removal of, s786
- misconduct charges, acts upon, 241-242
 - appoints Trial Commission, 155, 243, 1234
 - files dismissed complaint, 244
- officers against whom charges preferred, may suspend, 927
- petition to open default forwarded to, 1431, p203
 - granting or denying, 1434, 1437, p206
- physical qualifications of candidate, can not determine, 180
- physical soundness requirement may be waived by, 92, 498
 - hemophiliac, may forbid initiation, s786
- political affairs, participation not permitted, 220
- powers, 148, c113
- presides in Grand Lodge, 221
 - no appeal from decisions in chair, 221
- prosecution commenced by, p11
- quorum to open Grand Lodge ceremony, 57
- records, approves destruction or transfer, 159, 605
- refusal to obey order of, Masonic offense, 1129
- relief orders, c117.3
- removal of Lodge, sanction of, 786, s786
- representative, may request new appointment of, c113.12
- reprimand, to communicate sentence of, 174
- Reserve Fund, payments from, 20
- rights, Masonic, 182, 184
- Special Communications of Grand Lodge, calling, 55, 167, c103
- Standard Work, conferring authority to impart, 171, c366
- substitute for Master to convene Lodge, 630
- summons proceedings, minutes transmitted to, c133.9
- term of office, c109
- termination of suspensions, p506
- title, 142, c112

Grand Master, Cont'd.

- Trial Commission, advising and instructing, 149
 - application to open default from, may grant or deny, 246
 - appointment, p29-p30
 - challenge to, determination, 245, 1287-1289, p44
 - suspension by, may terminate, 239
 - trial costs payable by Lodge or Grand Treasurer, may warrant or order, p301
 - under age candidates, no dispensation to, 496
 - Utica Home, approval of memorials at, 379
 - visit to Lodge, receiving and acknowledging, 806
 - voting power, 79
 - warrant ordering payment of costs, 1409
 - written communications of Lodge to, attested with seal, 596
- Grand Master, appointments
- Assistant Grand Lecturers, approving, 156, c123
 - Commissioners of Appeals, nominating, 352, 353, c125
 - vacancy in, c125
 - Committee on Custodian of the Work, 334
 - Committee on Endowment, 335
 - Committee on Law Enforcement, 340
 - Committee on Masonic Education and Lodge Service, 343
 - Committees, general, 217, 326
 - Directors of Masonic War Veterans, 151, 407-409
 - District Deputy Grand Master, warrant of appointment, 317
 - examiners of books of Masonic Foundation, 150
 - Grand Lecturer, 293
 - Grand Officers, 139, 217, c111, c128
 - duties prescribed by, c127
 - filling vacancies, 144-145, 218
 - removal, 226
 - tellers at election of, rXVIII
 - Grand Representatives, 153
 - Judge Advocate and Proctor, c126
 - Masonic Foundation, members, 152, 391-401, c250
 - Masonic Hall and Asylum, Trustees, 364-366, c200
 - Standing Committees, rXI
 - Trial Commissioners, 155, 243, 1234-1236, p29-p30
 - vote tellers at election of Grand Officers, 72, 154
- Grand Master, dispensations, 187, c113.8-11
- advancement of brother from foreign jurisdiction, 207
 - age qualifications, may not waive, 209
 - ambulatory Lodge, to form, 200
 - candidates for initiation, qualifications for, c346.3
 - degrees, in another jurisdiction, to permit conferring, 206
 - balloting on petition for, may not interfere with, 202
 - fees, remitting not permitted, 208
 - first, to permit conferring in another Lodge, 205

- Grand Master, dispensations, Cont'd.
 interval between, 190, 589
 number conferred at one time, 201, 633, c361
 outside regular Lodge-rooms, conferring, 189
 territorial jurisdiction, may not authorize invasion of, 203
 District Grand Master, dispensations transmitted to, c133.19
 election of Lodge officers, 191-195, 911-913, c113.9, c302, c318
 installation ceremony, common, 204, 914
 Landmark, allowing Lodge to disobey, 180
 Lodge, new, to form, 196-199, c326
 may issue where single Lodge dissents, 426
 time, 134, rXV
 petition for, 419
 physical disqualifications, 211
 revenue from, 131.
 traveling Lodge, 200
- Grand Master *see also* Deputy Grand Master, District Deputy Grand Master
- Grand office
 Members of Masonic Foundation not eligible to, 390, 403, c250
 Trustees of Masonic Hall and Asylum Fund not eligible to, 132, c200
- Grand Officers, 132-146
 appointed by Grand Master, 139, c111, c113.3
 appointive, 138
 By-laws, approval not authorized, s609
 Chair by succession, 60
 compensation, 146, c129
 members of Grand Lodge, 50
 concerted action with respect to, 1066
 Deputy Grand Master, 247-248, c110
 District Deputy Grand Master, 307-324
 duties prescribed, q115-c118, c121-c127
 elective, 133
 election, 65, c109
 certificate of, c118.10,12
 time, 134, rXV
 eligibility, 132
 ineligible to serve as Trustee of Masonic Hall and Asylum Fund, 362
- Grand Chaplain, 292
 Grand Lecturer and Assistant Grand Lecturers, 293-300
 Grand Lodge membership, 39, c102
 Grand Master, 147-246, c110
 may nominate and appoint, c113.3
 may remove, 226
 may require attendance and information of, 227, c113.5
 Grand Pursuivant, 301

Grand Officers, Cont'd.

Grand Secretary, 262-291, c110

Grand Tiler, 301

Grand Treasurer, 251-261, c110

Grand Wardens, 249-250, c110

installation, 66, c109, rXV

time, 136

Judge Advocate, 302-303

Members of Grand Lodge, c102; c107

nominating speeches, time limit on, rIII

nomination, confirmation or election by Grand Lodge, 141, 217

other, 325

Proctor, 304-306

reimbursement, c131

term of office, 137, 140, s140, c109, c111, c126

titles, 93, 142, c112

Trustees of Masonic Hall and Asylum Fund not eligible as, 132, c200

vacancies

how caused, 143

how filled, 144, 218, c128

Grand Master, 145

voting, 135, c105, rXVIII

by call or Lodges, 72

Grand Officers and Committees

filling vacancies, 218

nomination and appointment, 217

Grand Orient of France, not included, 38

Grand Pursuivant, 301, c111

appointive officer, 138

compensation, c129

duties, 301, c124

member of Grand Lodge, c102

term of office, c111

title, 142, c112

Grand Representatives

appointment and accrediting, 153, 384

duties, 387

not entitled to compensation, s146

representation, 384

term, 386

The Grand Royal Arch Chapter of The State of New York

recognized as Masonic body, 91, c503

Grand Secretary

accounts examined by Committee on Finance, 337, c119

Annual Communication, provides ballots for, 283, rXIX

to give notice of, 272, rXII

annual fees of Lodges paid to, c600.10

Grand Secretary, Cont'd.

- appeal, filing notice with, 1453, p402, p408
 - to transfer papers to Chief Commissioner of Appeals, 290, 1455 p411
- appeal determined on records filed in office of, 1486, p414
- bond, approved, 162
 - required, 263-265
 - time for filing, extending, 183
- briefs filed with, 1459-1460, p418
- certificate allowing advancement in another Lodge, c364
- certificate or dimit from, with petition for membership, c340,4
- Commission of Appeals, notice of appointments of session of, filed with, 359
- compensation, 291, c129
- complaint forwarded to, 1232-1233
 - dismissal filed with, 244, p27
 - notice of dismissal, 275
- District Deputy Grand Master, attests warrant of appointment of, 277, 317, c120
 - prepares Lodge return blanks for returns of, 282, c121.4
 - reports to, 314, c121.4
- District Grand Officers, names and addresses to, c133.7
- dues of members of extinct Lodge paid to, 1096
- duties, general, 266-277, c118
- election of Lodge officers, notified of, 1027
- elective office, 133, c109
- expense of audit of books of, approving, 161
- Grand Lodge, annual reports to, 288
 - attends upon Grand Master and, 267
 - instruments, attests to, 268
 - member of, c102
 - moneys, to receive and pay over, 284
 - papers, to receive, file and keep, 285
 - transactions, correspondence, 271
 - records, 286
- Grand Officers, notice of election of, 276
- Grand Treasurer, bond filed with, 252, c117.7
 - payments certified by, c117.2
- initiates and affiliates registered by, 287
 - rejecter candidates, to be notified of, c313.5
- Lodge charter, certifies, 269
 - surrender, certification to, 168
 - to take property of, 289, c121.3
- Lodge return blanks, to prepare, 280, c118.12
- Lodge Secretary, annual reports to, 1025, c313
- new Lodge, notifies Lodges of constitution of, c330
 - to notify Lodges of members continuing as members of, 278
- non-affiliate, certificate showing status of, 270, 518, c348

Grand Secretary, Cont'd.

- office open during certain hours, 273
- payment of orders certified by, 257
- petition to open default, decision on, filed with, 1436-1437
- petition, certificate of election filed with, 44, c106
 - prepares Lodge return blanks for election of, 281
- reports of Secretaries to, c313,6
- representatives, accounts filed with, c130
- residence requirement, 132, 262, c110
- rejections reported to, 1034
 - register of, 274, c118.13
- restoration, correspondence regarding recommendation for, 122
 - petition filed with, 116, p501
- suspensions and restorations reported to, 1033, c313.9
- takes votes of the Grand East, rXVIII
- term of office, c109
- title, c112
- Trial Commission, certificate of appointment to, 243, 1235, p29
 - notifies of appointment, 279
 - decisions filed in office of, 1420, 1426, p110
 - trials and exhibits, minutes filed in office of, p112, p114
 - visitor certificate authenticated by, 863, c506.1
 - voting by call of Lodges, 72
 - waiver of jurisdiction secured from, 846

Grand Standard Bearer

- appointment, 138, c111
- duties, 325, c124
- member of Grand Lodge, c102
- term of office, c111
- title, c112

Grand Stewards, 325

- appointment, 138, c111
- duties, 325, c124
- members of Grand Lodge, c102
- number, c111
- term of office, c111
- title, c112

Grand Sword Bearers

- appointment, 138, c111
- duties, 325, c124
- members of Grand Lodge, c102
- number, c111
- term of office, c111
- title, c112

Grand Tiler, 301, c124

- appointed by Grand Master, 138, c111
- compensation, c129
- member of Grand Lodge, c102

- Grand Tiler, Cont'd.
 term of office, c111
 title, 142, c112
 vote, not entitled to, 80, c105
- Grand Treasurer
 accountant, compensation for, c119
 bond, 252, c117.7
 approval, 163
 failure to give, 254
 form, 253
 Committee on Finance examines accounts, 337
 compensation, 261, c129
 depository of funds, to be approved by Grand Master, 158
 duties, 255, c117
 elective office, 133, c109
 examination of accounts, c119
 expense of auditing of books of, approving, 161
 expiration of term, to surrender moneys, books, etc. at, 260, c117.8
 Grand Lodge, member of, c102
 reports to, 259
 Grand Lodge, Grand Master and Committees, to attend upon, 256
 Grand Master, may withdraw funds from, for charity, 240, c118.13
 pays over money to, c118.14
 Grand Secretary, pays over money to, 284, c118.5
 moneys, receives and deposits, 258
 official bond, extending time for filing, 183
 orders, to pay, 257, c117.2,3
 payment of costs, by, 1409
 Reserve Fund, payment from, 20, c203
 residential requirement, 132, 251, c110
 term of office of, c109
 title, c112
 trial, payment of costs of, 219, p301
- Grand Wardens
 duties and powers, 250, c116
 elective office, 133
 presides in Grand Lodge, 59, rIX
 absence of, 60
 residential requirement, 132, 249
 succession to office of Grand Master, c114
- Ground floor as Lodge-room, 776
 Guest teams, degrees, s981

H

- Hall and Asylum Fund, Trustees, *see* Masonic Hall and Asylum Fund, Trustees
 Hall and Asylum, Standing Committee on, 349
 Handwritten petition, 510

- Handwritten petition, Cont'd.
 blind petitioner, 511
- Happiness, hope for, page c4
- Harmony in Lodge, 946
- Healing, 1104
 defined, 10
 degrees required anew, 90
- Hearings
 Directors of Masonic War Veterans, 414, c279
 removal as member of Masonic Foundation, 399-400, c251
- Hearsay evidence, 1345, 1482
- Hemophiliac
 Grand Master may forbid initiation of, s498
- Holidays
 celebrating, not Masonic purpose, 706
 closing Lodge on, 626
 computing time, 24, 1121
 Grand Secretary's office closed on, c118.9
 service of papers on, p14
- Home, c202
See also Masonic Hall and Asylum Fund Trustees, Masonic Home
- "Honorary" life membership, s1098
- Honorary Master
 title not permitted, 646
- Honorary membership, 648, 1097, s1097
 active membership necessary, c351
 demand for rebalot after election to, 568
 how granted, c350
 Master Masons, c350, c351
 objection and demand for ballot, 1079-1080
 organist, s648
 rights and privileges of, c351
 unanimous ballot, s1097
 votes for nomination for, 843
- Hospital, revenue, c600.5
- Hour of assembly
 Annual Communication, 54, rXIV, rXV
- Hours when Grand Secretary's office open, c118.9
- I
- Identification, as visitor, 862-865
- Immorality, Masonic offense, 1139
- Immortality, belief in, 500, 513, s500, s1161, page c3, c346.2
 effect of answers demonstrating qualifications, 515, c345, c346
- Impeachment of witness, p86
- Incorporation, Acts of, pages c102-c115
- Incorporation under Benevolent Orders Law

Incorporation, Cont'd.

- how accomplished, 761
- recommended, 760
- reorganization, 763

Indebtedness

- ad in Lodge publication not considered as, s663
- dimit refused on grounds of, 663
- incurring without funds, 1162
 - Masonic offense, 1189
- must be paid before restoration, 824, s824
- payment a Masonic purpose, 699
- See also* Debts; Dues

Indigent Masons, 712

- benevolences and charity for, 746, c372
- funeral, assessment for, 697
- home for, 374
 - admissions to, at Utica, 375
 - admission of wife of, 377
- personal aid, assessment for, 700
- remission of dues, 678
 - investigation of indigency for, s678
- Trustees to provide for support and care, c202

Individual

- penalties impossible upon, p104

Individual Masonic offenses, enumeration, p5**Influence, selling, as District Deputy Grand Master, 1146****Information, lawful Masonic, 12****Initiates**

- register of, 287, c118.2
 - Lodge to keep, c320.4

Initiation, petition for, 493, c345

- action on, c353
- age qualifications may be waived, 209
- all members must vote on, 546-547, c355
- balloting on, 536-545, s544, c354
 - advancement, rejected, 504, 572
 - adverse, rejects, 554-558
 - effect of, 571
 - new petition, interval, 558
 - after rejection on original ballot, 503
 - can not be postponed or adjourned, c357
 - demand for reballot, 566, 1079-1080
 - members entitled to vote on, 1091
 - no discussion of merits, c356
 - objections to, 561-562, s560
 - refusal to vote, a Masonic offense, 1167
 - unanimous ballot, c357
- character, inquiry into, c347

- Initiation, petition for, Cont'd.
- clandestine Mason, consent to receipt of, 172, s1104
 - concealment or deceit in, c407
 - deposit not included in Lodge funds, 739
 - fees, *see* Initiation fees
 - handwritten, qualification may not be waived, 210
 - Investigating Committee, referral to, 1185, c347, c352
 - jurisdiction, personal or material, 465-477
 - Lodge to preserve, c321
 - Lodges guilty of offenses concerning, 1209-1212
 - Master may refuse to confer degree, 986
 - Master's right to destroy ballot on, 962
 - membership acquired by, 486, 493-508
 - misrepresentation, concealment or deceit, 1116, 1163, c407, p9
 - penalty for, 1401
 - non-residence, 502, s502
 - refusal on grounds of, 965
 - objection to, demand for rebalot, 1079-1080
 - Master must respect, 993, c358
 - recorded in minutes, 790
 - petition to another Lodge for, c359
 - profane from Grand Lodge of Egypt, s1104
 - qualifications, lacking, 1161, 1166, s1161
 - questions, prescribed, 513
 - prohibited period, 1029
 - rejection, interval after, 1212, c353
 - residence of candidate, c344
 - signed by member of Lodge, 516-517
 - signed by petitioner, c361
 - Stated Communication, received at, 521, c352
 - not received if pending in another Lodge, 522-523
 - unlawful, jurisdiction, 483
 - unlawful or irregular, effect on Entered Apprentice, 1048
 - unlawfully receiving, offense, 1211
 - untrue, 1215
 - waiver of jurisdiction, s846, c344, c352
 - withdrawal, permitting, Masonic offense, 1192, c353
 - right to, 524
 - when waiver of jurisdiction is necessary, 525
 - when wrongfully presented, 526
 - how entered in minutes, 527
- Initiation, petitioner for
- assumed name, s493
 - improper recommendation, liable to discipline, 1161, 1166
 - jurisdiction over, personal, 465-469, s465, c342
 - territorial, 470-471
 - waiving, 845-853
 - limiting time to appear, 773

- Initiation, petitioner for, Cont'd.
 - physical defects, disqualification for, 499, 1046-1047, 1068
 - qualifications for, c346
 - rejected, to be reported to Grand Secretary, c313.5
 - without required petition, Masonic offense, 1210
- Initiation fee, 131, c600
 - By-laws, regulating, 721-722
 - defined, 11
 - forfeited, non-appearance, 773
 - right to declare, 727
 - Grand Lodge may not remit, 109
 - installment paying, s726
 - limitations with respect to, 725
 - minimum, 725
 - paid in advance, 726, s726
 - payment by installment, s726
 - power of Lodge, c360
 - refund, right not conferred, 1052
 - required, 724
 - return to, 728-736, c360
 - tax exempt, 585
 - trespass upon territorial jurisdiction, 840
 - unlawfully initiated candidate, 1219
 - use of, allocating, 131, 723
- Innocence, proof of presumptive evidence overcome by, 1354
- Insane, accused committed as, 1230
 - balloting on candidate who becomes insane, s687
 - unaffiliation of insane brother not permitted, 687
- Installation, Grand Officers, 66, 136, c109, rXV
- Installation, Lodge officers, 908, 916
 - date, 910, s910
 - dispensation for, 911-912, s911, c302
 - effect on irregular election, 920
 - elected at other than constitutional late, 193
 - installing officer does not represent Grand Master, 917
 - must be Master or Past Master, s916
 - rights and duties, 918
 - irregular, 913
 - objection to, 919
 - officers performing, 916-918
 - place, 914
 - proxy installation, 909, c307
 - re-electon, c306
 - secrets of the char, 915, c308
- Instruction, Lodge System of, 591
 - District Deputy Grand Master, c121.2
- Instruments, certification by Grand Secretary, c118.4

Insurance

- contracts by Lodge for members not permitted, s764, s801A
- Lodge property, 764
- medical needs, plans undertaken by charitable membership corporations, s801A

Integrity of Masonic institution

- discipline as preservation of, 1106

Intention to propose, notice of, 492, 19

Interdicting conferring of degrees, 213

Interrogatories and cross-interrogatories

- in trial, 1298-1300
- to whom submitted, 1301
- settlement, 1302, p62
- transmitting, 1303, p64
- mandatory question in, p63
- testimony, how taken, p67

Interval between adverse ballot and rebalot for advancement, 572

Interval between degrees, 190, 589, 640, s589

Interval between petitions, 558

- Masonic offense to shorten, 1212

Intoxicating liquors, 946

- not allowed in Lodge-rooms, 767, c502

Intoxicaton, 946

- unMasonic conduct, 1137, 1138

Investigating Committee

- applications for advancement, 588
- application for reinstatement, 821, 823
- appointment by Master, 950
- failure to refer petition to, 1185
- Lodge to preserve reports of, c321
- Master may not discharge, 990
- Membership Committee not in lieu of, 620, s620
- misrepresentation to, c407
- neglect to exercise scrutiny a Masonic offense, 1164
- petition for membership referred to, 530-531, s530, s531, c348, c352
 - members not related to applicant, s503
 - rejection void, s522
 - secret ballot on, s545
- report, 532
 - ballot on, 538-539
 - form, 534
 - nature of investigation, 533
 - not placed in minutes, 791
 - unfavorable report, 535, s545
- waiver of jurisdiction, 850-852

Investments, 158, c203

- Permanent Fund in custody of Trustees of Masonic Hall and Asylum Fund, 373, c203

- Investments, Cont'd.
 form of certificate, 762
- Involuntary loss of membership
 dual membership, c349
- Irregular affiliation, 1061
- Irregular initiation, 1048
- Irregular Mason, 1061-1062
- J**
- Jeopardy, former, 1218
- Jewels and aprons, 941, s941, c315
- Joinder of offenses, 1248
- Joint trial, 1356
- Judge Advocate
 appointive office, 138, c126
 compensation, 50, c131
 duties and powers, 303
 limitation, s303
 eligibility for election, 132
 member of Grand Lodge, 39, c102
 qualifications, 302
 term of office, c126
 title, 142
- Judgment
 modified, 1489
 reversed, 1490
- Judicial powers of Grand Lodge
 defined, 105, c400
 exercise of appellate jurisdiction, 107
 exercise of original jurisdiction, 106
 Lodges, c301
- Junior Deacon, Lodge officer, 887, c300
- Junior District Grand Warden, c133.2
- Junior Grand Deacon
 appointment, 138, c111
 duties, 325, c124
 member of Grand Lodge, c102
 term of office, c111
 title, c112
- Junior Grand Wardens
 duties and powers, 250, c116
 elected officer, 133, c109
 members of Grand Lodge, c102
 presides in Grand Lodge, 59, c114
 residential requirement, 249, c110
 succession to office of Grand Master, 145, c114
 title, c112
- Junior Warden, 887, c300
 chosen annually by ballot, c302

Junior Warden, Cont'd.

- election as Senior Warden, 1012, c316, c317.4
- office combined with Trustee, s888
- powers and duties, 1009, c310
- See also* Wardens

Jurisdiction

- "Air-line" rule, 447-460, s447
- degrees conferred in another jurisdiction, 206
 - advancement, 207, c364
- District Grand Lodges, c133
- Grand Lodge, c101
- Grand Lodge discipline, 106-1067
- Lodge may perform work, 644
- Masonic authority, 38
- military service, 787, s787
- new Lodge, consent to, c326
- personal or permanent, defined, 19
- petition, wrongfully received, fee returned for, 729-730
- petition for advancement, 478-484, s480, c365
- petition for affiliation, 471-476
- petition for initiation, 465-477, c342, c344
 - domicile, establishing, s465
 - personal and material, s465
 - waiving over petitioner, 845-853, s846, c344
- Standard Work and Lectures according to, c366
- territorial, 101, 447-448, c342
 - changing, 95
 - trespass upon, 8-10
- unchanged at removal of meeting place, 787, s786
- visitors may perform work, 643, c506
- waiver of, 845, s845

Jurisdictional status

- retired Armed Services civilian employee, s468

Jurisprudence

- counsel to complainant and accused, 1333-1334
- evidence, in Masonic trials, 1339-1345
- foundation, 1105, p8
- only Master Mason may act as Attorney, 1336
- purpose, 1106
- Trial Commissioners, 1335

Justice

- penal statute construed to promote, c403

K

Knights Templar

- recognized as Masonic body, 91, c508

Koran

- use by Mohammedans, at obligation, 645

L

- Labor**
 ability to earn living, c346
 Lodges not to meet on Sunday, c503
 proceeding of Lodge, 585
 regulation, prerogative of Master, 980
- Land, acquiring**
 non-Masonic purpose, 701
- Landmarks of Freemasonry, page c88**
 chartered Lodge bound by, 585, c301
 Constitutions in accord with, 26
 departure from, Masonic offense, 1180, c336, p66 (a)
 dispensation to disobey, Grand Master can not issue, 180
 Grand Wardens to preserve, 250, c116
 legislation not in derogation of, 768
 limitation of powers of Grand Lodge, 82, c101
 physical soundness requirement, 92
- Language**
 disrespectful or provocative, Masonic offense, 1124, p5 (e)
- Larceny**
 Masonic offense, 1152
- Law, parliamentary, discountenanced, 841**
- Law, questions of**
 Trial Commissioners, 1335
See also Grand Master; Judge Advocate; Masonic law, Masonic jurisprudence
- Law courts, see Courts of law**
- Law Enforcement, Committee on, 340, rXI.12**
 certificate from, required for charter, 441
 certifies books, accounts, and records of new Lodge, c332
 Grand Master may fill vacancies, 218
- Lawful age, 496**
- Lawful Masonic Information, defined, 12**
- Laws of Grand Lodge, violations**
 Masonic offense, 1155, p5 (b), p6 (6)
- Laws of Masonry, see Masonic law**
- Learning, promotion, page c4**
- Leasing property of Lodge, 1043**
- Lecture Master**
 Lodge may not appoint, 859
- Lecturer, Grand see Grand Lecturer**
- Lectures**
 Grand Lecturer to impart, c123
 literary or scientific, 774
 Lodges to practice, c366
- Legal advice**
 duties of Judge Advocate, 303, s303, c126

- Legal holidays
 - closing of Lodge on, 626
- Legislation
 - Special Communication for, notice of, 185, c103
- Legislative manuals
 - use discountenanced, 841
- Legislative powers of Lodge, 768, c301
 - Grand Master not invested with, 148
- Liability
 - objecting to contracting debt, 1078
- Libel against brother Mason
 - Masonic offense, 1154
- Libraries, 769
- Library and Museum, Committee, rXI.20
- Licentiousness
 - unMasonic conduct, 1139
- Life members, 1098, s1098
 - approval by committee, s649
 - assessments for Masonic purposes, 710, s710
 - By-lay, amending, 676, s676
 - dues, 675, 677, s650
 - honorary, s1098
 - restoration of rights, s651
 - rule, 649-652, s649, s650, s652
 - vested rights, 649, s649
- Limitation of prosecution, p7-10
- Limitations
 - Grand Master, 180, 182, 188, 208-215
 - powers of Grand Lodge, 82, c101
- Liquor
 - ejecting members boisterous from, 946
 - not allowed in Lodge-room, 767, c502
- Literary lectures
 - Lodge may hear, 774
- Liverpool, jurisdiction in, c342
- Loans to members not permitted, 751
- Lodge, clandestine
 - definition, 3, c703
 - doubt as to, 3, s1104
 - Egypt, Grand Lodge of, s1104
- Lodge, Grand, *see* Grand Lodge
- Lodge, (Particular)
 - actions, reconsidering, 812
 - cause why should not be set aside, 833
 - admission, 1090
 - advancing candidate, 587
 - jurisdiction for advancement, c359, c364, c365
 - affiliation, petition for, 512, c348

Lodge, Cont'd.

- aggrieved, defined, 1
 - notice of petition of restoration to, 119-122, p502
- annual pay for members, 131, c600.8, c600.9
- annual report on condition of, c313.8
- appeal, right of, 595, 1444-1445
 - from decision of Master or Warden, 96
- appropriations for voluntary relief, c372
- assessment, 672-717, c370
 - compelling to assess members, 169
 - Grand Lodge may review, 99
 - Grand Master may review, 230
 - ordering, 98
- attendance not unqualified right, 1090
- audit, 341
- ballot for advancement, abriding right to demand, 94
- blanks forwarded to by Grand Secretary, 280, c118.12
- books to be kept by, 597-604, c320
- burial, unaffiliated or non-affiliated Mason, 813
- business meetings, dispensation for holding, c133.18 (d)
- By-laws, 597, 606-614, s609, c319, c367
 - signing, 594, 816
- certificate to unaffiliate paying arrears, 758-759
- charge in addition to arrears not permitted, 825
- charges, service of notice of, 1254, p35
- charters, *see* Lodge, Particular, charter
- clandestine, defined, 3, c703
- closing, Master no right, 957
- committeemen, number, 737
- communication to Grand Master, 596
- communications, held each year, 622, c324
- complaint against, 1222-1228
 - action by Grand Master on, 1229-1236
 - amendment of charges, 1249
 - charges, 1241-1247
 - joinder of offenses, 1248
 - referred to District Deputy Grand Master, 223
 - Trial Commission appointed for, 1237-1240
- condition of, statement by District Deputy Grand Master, c121.4.5
- consent to passing or raising Entered Apprentice or Fellow Craft
 - c365
- consolidation, 880, c339-A
- degrees, conferred in accordance with another jurisdiction, 589-593, 644, 835, c366
 - limiting number conferred at one time, 638, c361
- Deputy District Grand Master may preside in, c133.21
- disciplinary powers 671

Lodge, Cont'd.

- dispensations, District Grand Master for holding meetings, c133.19 (g)
 - recommendations for petition for, 424-426
 - to elect or install officers, c113.9
- dissolution, 882-886, c334
- District Deputy Grand Master, notified of appointment of, c118.1
 - presides, c121.2, c133.20
 - visits to, 319-324, c121
- domicile, establishing, 465, s165
- dormant or extinct, District Deputy Grand Master to take possession of property of, 318
- dues, 672-717, c600-602
 - annual, failure to pay, 47
 - under dispensation, 48
- duties, powers and privileges, 585, c301, c319
- Eastern Star, may not form joint corporation with, s760
- election of officers, 898-899
 - dispensation for, c133.19 (c)
 - summons for, 900-901
- establishment, authority for, 38
- executive functions performed by Secretary, c309.4
- expenses, payment a Masonic purpose, 698
- fair dealing, 719
- fees, 720-736, c600.10
 - initiation, power regarding, c360
- financial affairs, control, 97
- funds, 738-755
- funeral expense, jurisdiction, 814
- funeral service, 756
- gambling and lotteries, 757
- good standing in, for membership in Grand Lodge, 49
- Grand Lodge, representation in, 41, 817, c102
 - representative to, 39
 - compensation, 51
 - returns and payments to, 831
- Grand Master, may convene and preside at, 173, c113.4
 - may suspend charter, 234
 - not required to give professional advice on non-Masonic matters, 186
- healing, 90
- incorporating or organizing under Benevolent Orders Law, 760-763
- insurance contract, may not enter into, s801A
- intoxicating liquors not allowed, 767
- Investigation Committee, 588
- jurisdiction, air-line rule, 447-448, 459-460, s447, c342
- jurisdiction of District Grand Lodges over, c133
- legislative powers, 768
- literary or scientific lectures, 744

Lodge, Cont'd.

- Masonic offenses, 1177
 - instances, 1178-1213, p6
- Masonic regularity, determining, 89
- Masonic study and research, 445, c333
- Master, qualifications for, 889, c303-c305
- Master's prerogative can not be superseded, 765, 865, c309
- members and officers, 417
- membership, 586, 1057, c300
 - acquiring, 485, c340
 - blanks for return of, c118.12
 - certificate of, 862, c506
 - consummation, 575, c341, c348
- membership fees, to Grand Lodge, 131, c600.8
 - to Hall and Asylum Fund, 131, c600.5
- minutes of proceedings, 788-798, c321, c322
- misconduct charges against, 242
- misrepresentation to, c407
- money paid by order of, c312.3
- names of persons rejected, suspended or expelled, 805
- new, *see* Lodges, new
- non-Masonic debt, Grand Lodge may prevent, 1101
- non-Masonic degrees, conferring not permitted, 836, 977
- notices, 799
 - decisions, p113
 - Grand Master may regulate, 224
 - mailing, 800, s800
- officers, additional or emeriti, 804, s804
 - succession, c310
- opened and closed on Third Degree, 634, c325
- Particular Lodge, defined, 17
- penalties imposable upon, p105
- physical qualifications, determined by, 211
- political activity prohibited, 801, c509
- powers, duties and privileges, 585, c301, c319
- precedence, 802, c108
- proceedings, submission for examination to Grand Lodge, 103, 839, c323
- processions, 803
- property, insurance, 764
- proxy, electing, 718, c106
- District Grand Lodge, c133.18
- punishments, 1402-1405
- ratification of amendments to Constitutions or Code of Procedure, 85
 - of new charges for benefit of Masonic Hall and Asylum Fund, 86
- receiving Grand Master or District Deputy Grand Master, 806
 - receiving communication from, 807

Lodge, Cont'd.

- records, approving destruction or transfer, 159
 - preservation of, 605
 - relief, compelling to grant, 100, 170, c372
 - extent in control of, 813
 - relatives or property legally liable, 815
 - removal, Grand Master may sanction, 231
 - reorganization, 763
 - representatives, 41, c104
 - restoration of member, action on application for, 821
 - recommendation for, 809-810
 - vote on, 811, 826-829
 - returns, report of neglecting proper returns, c118.6
 - Seal, 832, c320
 - communications to Grand Master, 596
 - Standard Work and Lectures, conferring authority to impart, 171, c123
 - practiced in, 834, c366
 - Sunday, no work on, 628, c503
 - territorial jurisdiction, changing, 95
 - trial, Grand Master may order payment of costs, 219, p301
 - Trial Commission, notice of findings to, 1425
 - Trustees, 1039-1044, s1039
 - visitors to, 862, s862, c505
 - visits to, by District Deputy Grand Master, 319-324
 - voting by call of, 72, rXVIII
 - warrant ordering payment of costs of member, 1409
- Lodge, (Particular), charter
- arresting or suspending, 881
 - dispensations to by Grand Master, c113.8-11
 - dissolution, 882-886, c334
 - effect, 885
 - forfeiture, 102, 883, c336, p106
 - as penalty, 1405, c324
 - recommending, 1422, p111
 - prerequisite to granting, 438-443
 - restoration by Grand Master, 229
 - surrender of charter, 884, 886, c335, c338
 - Grand Secretary to take property, 289
 - suspension, by Grand Lodge, 104, c339
 - by Grand Master, 234, c339
- Lodge, Committee on, *see* Lodge records and Finance
- Lodge, new
- ambulatory, 200
 - charter, fees for, 444
 - prerequisites to granting of, 438-443
 - Committee on Charters, 331
 - Committee on Law Enforcement, duties concerning, 430

- Lodge, new, Cont'd.
 dispensation to form, 196, c118.10, c326
 amendment permitted, 199
 expiration, c329
 fee, 131, 414, c600.1
 issuance not mandatory, 197, 435
 not precluded by prior refusal, 198
 petition for, 419
 recommendation for granting, from, 427
 time of year, 436-437
 Grand Lodge may not remit fees for, 109
 Lodge notified of, c330
 Masonic study and research, 445
 Master and Warden, certificate of proficiency of, 428-431, c305
 form, 432
 membership by being named in charter of, 491
 notice to Lodges of members continuing as members of, 278
 military, 446
 petitioner, 421, s121, c327
 number, 420
 preliminary meetings, 418
 recommending formation, 808, c326
 other Lodges, 422-427
 refusal of single Lodge, 426
 remitting organization fee not permitted, 225
 territorial jurisdiction, 447-458
See also Lodge, under dispensation
- Lodge, under dispensation, 374
 affiliate members, 875
 By-laws, 876
 certification for charter, 299
 Committee on Law Enforcement certifies books, accounts and records
 of, c332
 Grand Lodge, not represented in, 878, c328
 jurisdiction over petitioner initiated and passed, 479
 indebtedness, clear of, c332
 members at expiration of dispensation, c331
 membership, 491
 may not petition to form another Lodge, 1095, c327
 not chartered, members non-affiliated, c330
 officers, can not elect or install, 877, c328
 certifying proficiency of, 615
 seal, need not have, 879, c328
 territorial jurisdiction, 464
 Masonic offense for invading, 1205
 transcript of proceedings delivered to Grand Lodge, c332
- Lodge Cemetery Association for Masons
 not approved, p212, s801A

- Lodge funds, *see* Funds, Lodge
 - Lodge libraries, 769
 - Lodge officers, *see* Officers, Lodge
 - Lodge records, *see* Records, Lodge
 - Lodge Records and Finance, Committee on, 841, rXI.14
 - Lodge-rooms
 - alternate, 780
 - jurisdiction, 461
 - degrees conferred at, 635
 - delta or triangle, use of, 778
 - float of, in Civic Parade, taboo, s803
 - furnishing, assessment not justified, 704
 - ground floor, may be on, 776
 - liquors not allowed in, 767, c502
 - Lodge under dispensation must secure, 439, c332
 - necessity for, 775
 - prerequisite for charter, 439, c332
 - non-Masonic organizations not permitted to exemplify degrees in, 836
 - ornamentation, 777
 - portrait of living persons not permitted in, s788
 - regular meeting place of Lodge, 955
 - removal, 781-788, s787
 - Grand Master may sanction, 231
 - use for non-Masonic purposes, 779
 - See also* Removal of meeting places
 - Lodge Sales, Committee on, rXI.19-a
 - Lodge System of Masonic Instruction
 - proficiency attained in attendance at, 591
 - Lotteries, premises not to be used for, 757, s757
 - Love of Man, pages c3, 4
 - Loyalty to country, 1074
 - presence of foreign flag contrary to, 631
 - Lying, habitual
 - Masonic offense, 11-40
- M**
- Mailing notices
 - manner of, 800, s800
 - service of notice of changes, 1253
 - sealed envelopes, 1003, s1003
 - Majority report
 - Trial Commission, 1411
 - Majority vote
 - election of officers by, 905
 - motions decided by, 70
 - to grant waiver, 853
 - See also* Ballot
 - Making a Mason
 - at sight, 216

- Making a Mason, Cont'd.**
 fee for, c360
- Management of Lodge**
 turning over to workers in another organization, Masonic offense,
 1198
- Manual**
 legislative, discountenanced, 840
 Masonic, 858
- Manual labor, ability, c346**
- Maritime occupation, petitioner in, jurisdiction, 468, c344**
- Marshal, Grand *see* Grand Marshal**
- Mason clandestine, c704**
- Mason; expelled, *see* expelled Mason**
- Mason, non-affiliated, c702**
- Mason, unaffiliated, c702**
- "Masonic"**
 use of name, s1149A
- Masonic appeals, *see* Appeals**
- Masonic authority**
 disobedience a Masonic offense, 1125, p5, p6
 instances, 1126-1132
 limitations, 82
 source, 38, 81, c101, c507
- Masonic badge, *see* Masonic emblem**
- Masonic belief, page c3**
- Masonic Benevolence, Committee on, 342, rXI.18.**
- Masonic benevolences, expenditures for, 746-747**
 See also Relief assistance
- Masonic bodies recognized, 91, c508**
- Masonic business**
 Grand Secretary to keep office open for, 273, c118.9
- Masonic Club**
 assessment for, void, 709
 clandestine, 1156
 dues not considered Lodge dues, s673
- Masonic complaint and irregularity**
 District Grand Master to hear, c133.10
- Masonic conduct, 73**
 fair dealing, 719
 qualification for affiliate membership, 507
 See also Masonic misconduct
- Masonic Court, acquittal in State Court, 1214**
- Masonic discipline**
 assessment, refusal to pay, 717
 business differences, 1107-1108
 Code of Procedures regulates, 1111
 conviction by Masonic trial, 1110
 District Grand Master, c133.10

- Masonic discipline, Cont'd.**
 Entered Apprentice or Fellow Craft subject to, 1055
 every member liable to, 1069
 felony charge, 1059, 1115
 foundation of Masonic jurisprudence, 1105
 Grand Lodge judicial powers-defined, 105, c400
 exercise of appellate jurisdiction, 107
 exercise of original jurisdiction, 106
 initiation, misrepresentation in, 1116
 Lodge, disciplinary powers, 671
 Master liable for, 976
 official misconduct, 1113
 moral turpitude, 1114
 necessity of conviction for punishment, p12
 "Once a Mason always a Mason," 34
 Past Master, official misconduct, 1113
 proceedings, p4
 prosecution, abatement, 1118
 commenced, 1117
 limitation, 1112
 purpose, 1106, p3
 religious, political or secular disputes, 1109
See also Trials
- Masonic Districts, 31**
 annual conventions in, 72, c123
 Metropolitan, 15
 new Lodges in, 423-426
 report on condition of, c121.4, c121.5
 to remain as organized, c504
 vote, by call of Lodges, 72, c123
 at election of Grand Officers, rXVIII
- Masonic duty**
 payment of tax or assessment, c371
- Masonic Education and Lodge Service, Committee on, 343, rXI.11**
- Masonic emblem**
 loaning badge to female relative, discountenanced, 1073, 1142
 use as trade-mark interdicted, 1089
 using to advertise, liable to discipline, 1149
- Masonic error**
 District Deputy Grand Master duties concerning, c121.2
- Masonic Foundation for Medical Research and Human Welfare, 388-403, c250-c251**
 Committee to examine records of, appointment, 150
 members, appointment to fill vacancies, 177, 396
 duties, 402, c251
 election, 391
 nomination, 141, 392, c250
 not eligible for Grand Lodge office, 132, 403, c250

- Masonic Foundation, Cont'd.
 numbers, 389, c250
 qualifications, 390
 suspension by Grand Master, 235, c251
 term, 395, c250
 vacancies, 393-394, 397-401
 declaring, 177
 Grand Master may fill, 218
 removing member, 110
 membership in Grand Lodge, 39, c102
 organization and purpose, 388
- Masonic funeral and burial, 30, 1063, s756, s1051
 assessment for, 697
 brother in jurisdiction of another Lodge, 814
 By-laws requiring, disapproved, 813
 Entered Apprentice, 756, 1051, s756, s1051
 expense, jurisdiction of Lodge, 814
 failure to attend, Masonic offense, 1132
 Fellow Craft, 756, 1051, s756, s1051
 Master may call emergency communication for, 955
 non-affiliated or unaffiliated Masons, 813, s746, c367, c370
 on Sunday, 628, s628
 procession for, dispensation for, c133.19(a)
 reinterment, 1064
 summons to attend, 1077
 weather may deny, 1063
- Masonic Hall, c202
- Masonic Hall and Asylum Fund
 initiation fee to, 131, c600.5
 membership fees to, 131
 new charges for, by amendment to Constitutions, 86
- Masonic Hall and Asylum Fund, Trustees, 361-383, c200-c208
 attendance and information required of, 227, c201
 audit of books, 161, c119
 Committee on Endowment to promote work of, 335, rX1.17
 Committee on Finance to examine accounts, 337, rX1.7
 compensation, 50, c131
 duties and powers, 371, c202, c203, c206, c302
 fees and dues to, c600, c601
 funds, 372-373, c117.7, c203
 depository approved by Grand Master, 158, c203
 Grand Master may withdraw for charity, 240, c113, 13
 vote on use, 364, c206
 Grand Master may suspend, 238, c201
 incorporation, page a102
 membership in Grand Lodge, 39, c102
 New York City, Masonic Hall in, 374, c202

- Masonic Hall, Trustees, Cont'd.
 nomination and election, 141, 364, c200
 not eligible for officer in Grand Lodge, 132
 number, 361
 officers, 367, c201
 pro tempore, 368
 Permanent Fund, custodian, 373, c203
 property transferred to, by Lodge surrendering charter, 886
 qualifications, 362
 real estate, title to, 383, c202
- Masonic Hall and Asylum Fund, Trustees
 removal, 111, c201
 reports, 380
 Reserve Fund, payments from, 20, c203
 revenues from real property, 129, c204, c205
 securities, 381
 Sinking Fund, 21, c204
 special trusts, 382
 Standing Committee on Hall and Asylum to meet with, 349
 term, 363, c200
 titles, 142, c112
 Treasurer, bonded, 164, 369-370, c207
 Utica, Home at, 375
 admissions to, 376-377
 memorials at, 379
 surrender of children, 378
 vacancies, 365-366, c200
 declared by Grand Master, 178
 filled by Grand Master, 218
 vote of, 92; rXVIII
- Masonic Hall in New York City, 374
- Masonic Home at Utica, c202
 admissions to, 375-378
 revenue for maintenance of, c204, c606.5,6,9
 residence, equivalent, c701
See also Masonic Hall and Asylum Fund
- Masonic information, lawful, 12
- Masonic institution
 acts tending to impair or degrade, Masonic offense, p5 (a)
 preservation of, 1106
- Masonic jurisprudence
 counsel to complainant and accused, 1333-1334
 evidence, 1339-1345
 foundation, 1105, p2
 purpose, 1106
 right of accused to be present at testimony against him, 1363
- Masonic Jurisprudence, Committee on, 344, rXI.3

- Masonic labor
 proceeding of Lodge, 585
See also Labor
- Masonic law, 26
 Committee on Masonic Jurisprudence, 344
 disobedience to Masonic process, rule, 1131-1132
 foundation of Masonic jurisprudence, 1105, p2
 included in Constitutions, 25
 Lodge may forfeit charter for disobedience to, c336.3
 Masters presumed to know, 984
 questions of, power to decide, 175, 248, c113.4
 Secretary urged to know, 1022
 secret ballot on petitions, 545, s545
 violations, costs, 1406-1409
 individual, 1391-1401
 Lodge, 1406-1409
 Masonic offense, p5 (b), p6 (b)
 penalties, 1390, c404
- Masonic Manual, 838
- Masonic misconduct
 charges of, 1241-1259
 answer to, 1260-1275
 Grand Master acts on, 155, 241-244, 1229-1236
 Grand Secretary to notify of dismissal, 275
 complaint, defined, 1222, p21
 preferred by Master, 983
 to Grand Master, 1221-1228
 failure to read petition, 1217
 parties, defined, p20
 Trial Commission, 243, 1237-1240
 challenge to, 1276-1290
See also Masonic offense
- Masonic offense
 adultery, 1135
 affiliation fee, failure to pay, 1159
 assessment, failure to pay, 1160
 badge, giving or loaning, 1073, 1142
 ballot, disclosing, 1157, c406
 refusal to vote on petition, 991, 1167
 ballot box, tampering with, 1148
 bankruptcy laws, violation of, 1150
 blackball, improper use, 1141
 charges, 1241-1275
 failing to plead, 1469
 challenge to Trial Commission, right to, 1276
 clandestine Masonry, 1156
 holding communications in rooms used by, 1186
 complaint, must state facts of, 1226

Masonic Offense, Cont'd.

- preferring, 1082
 - repealing clause of Constitution concerning, 27
 - concealment, 1143
 - contemptuous, disrespectful or provocative language, 1124, p5 (e)
 - contracts or indebtedness without funds, 1162
 - conviction in court of law, 1351-1352
 - by Masonic trial, 1119
 - costs, failure to pay, 1408
 - defenses, 1214-1221
 - divorce, false evidence, 1136
 - disobedience of Masonic authority, 1125-1130
 - to Masonic processes, 1131-1132
 - emblem, using to advertise, 1149
 - failure to reimburse Lodge or Grand Treasurer for costs of trial, 1409, p301
 - family, neglect to provide for, 1144
 - fraudulent representations, 1151
 - individuals, rules, 1123, p5
 - influence, selling, 1146
 - initiation, lacking qualifications for, 1161
 - misrepresentation in, 1143, 1163
 - intoxication and drunkenness, 1137-1138
 - Investigating Committee, neglect, 1164
 - larceny, 1151
 - licentiousness or immorality, 1139
 - Lodge, 1177-1213, c509, p6
 - Lodge funds, withholding, 1169
 - lying, habitual, 1140
 - Master rule, 1170
 - instances, 1171-1176
 - membership, unlawfully abating, 1201
 - merits of petitioner, discussing, 1158
 - misrepresentation, 1143
 - counseling petitioner, 1147
 - petitioners, recommending improperly, 1166
 - political activity, 1165
 - prosecution, p7-11, p47
 - regulation of disciplinary limitation of prosecution, 1112, p4
 - sanity not triable, 1133
 - slander and libel, 1154
 - teaching other than Standard Work, 1168
 - unauthorized ceremonies, taking part in, c507
 - unMasonic conduct, 1134-1154
 - violation of Constitutions, laws, rules, etc., 1155
 - See also* Masonic misconduct
- Masonic organizations
- recognized by Grand Lodge, 91, c507, c508

- Masonic process
 - disobedience to, Masonic offense, 1181
 - rule, 1131
 - summons, 1132
- Masonic purposes
 - assessments levied for, 672, c371
 - assessments must be for, 695, s695
 - examples, 696-709
 - life members, 710
- Masonic regularity, 89
- Masonic relief,
 - non-affiliated Masons not entitled to, 370
- Masonic rights and privileges, *see* Rights and Privileges
- Masonic service
 - procession for, dispensation, c133.19 (c)
- Masonic standing, c700
- Masonic study and research, *see* Study and research, Lodges for
- Masonic teaching, 1134, page c3
- Masonic trials, *see* Trials
- Masonic War Veterans of the State of New York, Inc., 404-416, c275-c279
 - organization and purpose, 404
 - Post charter, Grand Master may suspend or revoke, 237, 415
- Masonic War Veterans of the State of New York, Directors, 405, c275
 - appointment by Grand Master, 151, c278
 - duties, 416, c276
 - election, 407-409, c278
 - approved by Grand Master, 160, c278
 - nomination and confirmation, 141, c278
 - powers, 415, c276
 - qualifications, 406
 - suspensions, 413-414, c279
 - Grand Master may suspend, 233
 - hearing on, 414
 - term of office, 410, c278
 - vacancies, 409, 412, c277
 - filling, 218, 411
- Masonry, Law of
 - By-laws consistent with principles of, 608
 - departure from original plan, by Lodge. Masonic offense, 1180, c336.2, p5 (d), p6 (a)
 - See also* Landmarks of Freemasonry
- Masonry, report on
 - District Deputy Grand Master, c121.5
- Masons
 - clandestine, *see* Clandestine Masons
 - fee for making, 721, c360
 - making at sight, 216

Masons, Cont'd.

- non-affiliated, defined, 16, c702
- not sworn as witness, 1381
- "Once a Mason always a Mason," 34, 1123
- unaffiliated, defined, c702
- Master, 887, 945, s945, c300**
 - absence, c310
 - Grand Master may preside, 173
 - admitting, excluding or ejecting members or visitors, 946, s946, 1090
 - amputee, election as, s891
 - annual returns of Lodge approved by, 954
 - appeal from decisions of, 96, 176, 1067
 - no appeal while presiding, 974, c311
 - appointment, to fill vacancy in Grand Office, 144, c128
 - temporary, s953
 - assessment, ordering not permitted, 978
 - ballot, chosen annually by, 898, c302
 - destroying, 551, 962, s551, c354
 - directs manner of voting, 968
 - reballot, ordering, 979
 - reconciling Warden's reports on, 550, s550
 - Tiler's right to, may not deny, 961
 - ballot box, inspection before ballot, 971, c354
- By-laws, binding upon, s610**
 - determining validity of, 966
- ceremony, amount exemplified by, 949
- certificate of proficiency, 432
 - new Lodge, 428-432
- certificate to Treasurer to pay moneys, 1017, c312
- charge against, limitation of prosecution, p10
- charges against Lodge, service of notice to, 1254, p35
- charter, custody, 960
 - surrender, 923
- closing Lodge, no right to close indefinitely, 957
- clubs under supervision of Lodge, control, 972
- commission to take testimony of witness, issued to, 1304, p61
- Commissioners of Appeals shall be, 1237, c125
- committees, appointment, rule, 950
 - ex officio chairman of, 950
 - removing committeemen, 990
- Communications, calling or omitting, 955-956**
 - presence at, 630
- complaint made by, 1228, c405
 - of Masonic misconduct, 988
- Constitutional Lecture Master, 859
- death, c310
- debate, closing, 959
- decisions, no appeal from, while presiding, 974, c311

Master, Cont'd.

- degree, non-Masonic, forbidden, 977
- proficiency, 964
- refusing to confer, 986
- degree teams, 981
- dimit not granted to, 662, 967, s967
- discipline, amenable to, 1170
- District Deputy Grand Master shall be, 173, c120
- election, failure of Lodge to elect or install, c302
 - Master of one Lodge at a time, 1094, c439
 - to another office, forbidden, 969
- eligibility, c304, c305
- Entered Apprentice or Fellow Crafts, may allow entry to, 948
- ex officio chairman of committees, 951
- exclusion of members, 946, s946, 1090
- executive functions, 970
- Grand Lecturer shall be, 294, c123
- Grand Lodge, may be appointed to office in, c128
 - vote in, c105
- Grand Master, may suspend, 236
 - Master does not represent, 917
- Honorary Master, title not permitted, 646
- ineligibility of Warden for, s896
- installation, failure or refusal to be installed, 911, c302
 - delayed, s911
 - irregular, 913
 - place for, 914
 - proxy, may not be installed by, c307
- installation of officers, c302, c306
- installing officer must be, 916, s916
 - does not represent Grand Master, 917
 - rights and duties, 918
- Judge Advocate shall be, 302, c126
- labor, regulation prerogative of, 980
 - law, presumed to know, 984
 - lecture master, 859
- Lodge funds, disbursement, 743, s743
- may hold matter over, s982, s987
- may not fill another vacancy in office, 925
- may override objections to advancement of brothers, c358
- meetings with other Masters, 973
- military service does not vacate office, 932
- motions, refusing to entertain, 987
- new Lodge, certificate of proficiency, 428-432, c326
- nominating speeches, regulating, 988
- objection to initiation or advancement, respecting, 993
- offenses and liability for, 976

Master, Cont'd.

- officers, appointment, 952
 - filling vacancies, 953
 - removing or suspending, 989, s989
 - subject to direction of, 942, c314
- official misconduct, charge against, for, 1113-1114
- order of business, changing or determining, 958
- Past, *see* Past Master
- petition, requiring vote on, 991
 - must refer to Investigating Committee, s520, 530
- petitioners, notifying of rejection, 975
- powers, 945, s945, c309
- prerequisite qualifications, change not permitted, 188
- prerogative, 865, 980
 - cannot be superseded, 765
- Proctor shall be, 304, c126
- profane, notifying of rejection, 1076
- proficiency terms set by, 591-592
- proxy, presence supersedes, 46
- qualifications, 188, 889-894, 953, c305
 - for Commissioner of Appeals, 351
 - powers and qualifications, 945
- qualifications of candidate, determining, 963
- quell disturbances, 946
- question, postponing consideration of, 982
- removal from State does not vacate office, 931
- represents Lodge in Grand Lodge, 41, 817, c102
- residence of candidates, 965
- resignation, not permitted, 992, c316
- Secretary's reports to Grand Lodge, approval, 1025, c313.6
- secrets of the chair, 915, c308
- signature, certificate of election of Trustees, 761-762
 - Secretary attests, 1019, c313.11
- summons, power to issue, 994-1004, c309
- summons to brothers to attend funeral, 1077
- suspension from office by surrender of Lodge charter, 923
- temporary appointment, s953
- term of office, c316
- Treasurer, payments certified by, c312
- Trial Commission, rank necessary, 1237, c125, p31
- unaffiliates, publishing names of, 985
- unaffiliation, not permitted, 688
- vacancy in office, 912, c310, c318
 - dispensation to hold election, 194, c113.8
 - duty of District Deputy Grand Master to fill, 309
 - filling, 937-939
 - Secretary to notify Grand Master of, 1026
- visitors, 946-948

Master, Cont'd.

- Warden ineligible to fill vacancy, 895-896, s895
- witness, competency as, 1375
- testifying at Masonic trial, 1006

Master Mason

- affiliation, fee, 131, c600.6
 - membership by, s505, c340.4
- annual report, to Grand Lodge, c313.6
- as attorneys, p85
- credibility as witness, 1378
- counsel to accused, 1334, 1336
- degree conferring, present at, 641
- dual membership, 1070, c349
- honorary membership, 648, c350
- Masonic study and research, may form Lodge for, 445
- Masonic trial, present at, 1360
- non-affiliated until signing of By-laws, 1056
- petitioner for new Lodge must be, 421, c326
- proficiency in preceding degree, 590-592, c363
- register of rejections, inspection available to, c118.13
- relief, right to, 1085
- Secretary to report on, 1025
- service of notice of charges by, 1255
 - proof of service, 1256
- Standing Committee on Hall and Asylum composed of, 349
- Study and Research Lodge may accept, 867, c353
- Trial Commission may employ as stenographer, 1240, 1338
- unaffiliation, s684

Material jurisdiction, defined, 19**Medal for Distinguished Achievement, Committee to recommend award, 339****Medical Research, see Masonic Foundation for Medical Research and Human Welfare****Meeting-place, see Lodge-rooms****Meetings**

- District Grand Lodges, c133.15
- due and timely notice of, 28
- Master may change or determine order of business, 958
- neglecting to meet for a year, Masonic offense, 1191, c336.4
- other than regular, dispensation of Grand Master concerning, c133.19 (d), (g)
- rooms used by clandestine Masons, Masonic offense, 1186
- Stated and Special Communications, defined, 22
- See also Annual Communication

Membership, Grand Lodge, 39, c102

- good standing in Particular Lodge essential, 49
- voting power, 77

Membership, Lodge

- abating, suspending or terminating, 586, 1201
- acquiring, 485, c340
- admitting, excluding or ejecting, by Master, 946
- affiliation, 490, 505-512
 - irregular, 1061
- age, 496
- alienage unknown, 501
- associate, 647
- balloting on, 536-574
 - objection and demand for, 1079-1080
- blind petitioner, 511
- By-laws, signing, 591, 597, 816
 - effect of not signing, 582-584
- certification, 516-517
- clandestine, 1104
- classes of, 647-649, 677
- consummating, 575, s583, c341, c348
- continued in new Lodge, c331
- death, presumption of, 35, s689
- degrees, unlawful or irregular conferring, 1062
- dimit or certificate of Grand Secretary showing status, 518
- dual, 578, 1094, c348, c349
 - Lodge under dispensation, 1095
 - unaffiliation under, 9299
- entitled to vote, c303
- excluded from Lodge, 1171
- expelled, 1103
- extinct, suspended or expelled Lodge, 1096
- free born, 495
- good report, 497
- honorary, 648, 1097, s1097, c350, c351
 - See also* Honorary membership
- initiation and advancement, 486-489
- intention to propose, notice of, 492, 619
- life, 649-652, 677, 710, 1098
- Lodge under dispensation, 1095
- Masonic jurisdiction, 484
- named in charter of new Lodge, 491
- non-affiliated, 16, 1099
- non-resident, 502
- office, eligibility to, c304
 - as Master, c305
- officers, nominating, 1075
- "Once a Mason always a Mason", 34
- Particular Lodge, 1057, c300
- petition for, 493
 - in open Lodge, 520

- Membership, Lodge, Cont'd.
 pending in another Lodge, 522-523
 Stated Communication, 521
 physical requirement, 498-499
 privileged, 649, 1098, s649
 qualifications, requisite, 494-500
 recommendation by member of another Lodge, 519
 Register, Lodge must keep, 603, c321
 Secretary to keep, 1023, c313.3
 rejected candidates, 503-504
 religious belief, 500, 515
 renewal after dimit, 1058
 restoration to, *see* Restoration to membership
 Secretary reports to Grand Lodge on, 1025
 study and research Lodge, 867
 suspended, 1100
 foreign Lodge, 1101
 unaffiliation, 1102
 unanimous ballot, s1097
 withdrawal from, rule, 660
 by dimit, 1092, c369
 forms of, 669-670
 no reconsideration, 667
 Warden, 1015, s1015, c316
 requested in writing, 666
 requisites for, 668
 vacancy in Lodge office by, 930
- Membership Committee
 all members must report, s534
 appointment void, 492
 By-law providing for, 620
 examination of all applicants by, c492
- Membership Corporation, charitable, insurance plan, c801A
- Membership Corporation Law
 Masonic Foundation for Medical Research and Human Welfare
 organized under, c250
 Masonic War Veterans organized under, c275
- Memorials
 erection at Masonic Home at Utica, 379
 non-Masonic purpose, 703
- Merits of petitioner
 no discussion of, 659, c356
- Metropolitan District, defined, 15, c110
- Military Lodges
 petition to form, 446, c276
- Military regiment
 raising as Masonic body not permitted, 220

Military service

- does not create vacancy in office, 932
- does not make proxy installation of Master permissible, 909
- no remission of dues for, s678
- petitioner in, jurisdiction, 468, s468, c344

Minority report

- Trial Commission, 1412, p109

Minutes, communications, approval by Lodge, c322**Minutes, Lodge**

- alteration and expunging not permitted, 795
- ballot, results of, 793
 - controlling, 553
- Committee on Lodge Records and Finance to advise on keeping of, 341
- correction, mistake in giving life membership, s1098
- District Grand Lodge proceedings, 133.12
- error, correction, 796, c322
- examination, submission for, 103
- foreign language, 103, 789
- Grand Master, communication from, 807
- Investigating Committee report not entered in, 534, 791
- Lodge to preserve copies of, 600, c321
- Master may refuse to entertain motion for entry in, 987
- Master may supervise entries, 1005
- must be kept, 788
- name of objecting brother not entered on, c358
- not to be publicized, 798
- particular entries, 790
- petition wrongfully presented, 527
 - reception of petition and balloting, s531
- prima facie evidence, 797
- read and approved, 794, rXV, rXVI
- Secretary to record, 1031, c313.1
- summons inserted in, c309.2

See also Records

Minutes, Trial Commission

- filing, 1423, p112
- report of, 792
- testimony, how taken, 1338, 1355

Misconduct, *see* Masonic misconduct**Misrepresentation**

- as defense for untrue petition, 1215
- in initiation, 1163, p9
- Masonic offense, 1143
- trial for, c407

Mitigation of punishment, 1273

- determination, p102
- plea of facts in, p82

- Modification of sentence, 1489
- Mohammedans, use of Koran, 645
- Moneys, *see* Funds
- Monitor, *see* Manual
- Monroe County
 - territorial jurisdiction, 450, c342
- Monticello Lodge, 532
 - jurisdiction, 451, c342
- Montour Lodge
 - jurisdiction, c342
- Monuments
 - erection a non-Masonic purpose, 703
 - erection of memorials at Masonic Home at Utica, 379
- Moral law
 - Masonic discipline for violation of, 1069
- Moral turpitude, 32, 1114, c405
- Morality, inculcating, page c4
- Mortgages
 - Trustees of Masonic Hall and Asylum Fund powers relative to 381, c205
- "Most Worshipful"
 - title of Grand Master, 142, c112
- Motions
 - By-laws prevail over, 610
 - decided by majority vote, 70, rV
 - Master may refuse to entertain, 987, s987
- Municipal limits, changes
 - no effect on jurisdiction of Lodges, 459, c342

N

- Name
 - assumed, in petition, 493, s493
 - change of, 1065
 - changing on Grand Lodge roster, 88
 - Grand Lodge, 37, c100
 - signing By-laws, 580
- National Law, bankruptcy violation
 - Masonic offense, 1150
- National Prohibition Act
 - violation a Masonic offense, 1153
- Navy, petitioner in, jurisdiction, 468, s468, c344
- Necrology, Committee on, 345, rXI.10
- New business, Grand Lodge
 - must be in writing, 68
 - referred to Standing Committees, 69
- New York City
 - Annual Communications held in, 53
 - appeals to Grand Lodge heard at, 357

- New York City, Cont'd.**
 jurisdiction, 452-453, c342
 Masonic Hall in, 374
 petition for dispensation in Borough of Queens, 425
 Temple property, inspection charges, 349
- Niagara-Orleans District**
 jurisdiction of Lodges in, c342
- Nominating speeches**
 at election of officers, 856, 903
 Master may regulate, 988
 time limit, rIII
- Nominations**
 Grand Lodge Officers, 1066, rIII
 Lodge officers, 1075
 limiting, 770
 Masonic War Veterans, 141, c278
 Trustees of Masonic Hall and Asylum Fund, 364, c250
- Non-affiliated Mason, 16, 1099**
 By-laws, before signing, 1056
 not signifi, 575, 582, s582
 time for signing, 579
 defined, 16, c702
 dimitt, grant of, 1058
 disciplinary proceedings, subject to, 34
 extinct Lodge, 1096
 felony, commission of, 1059
 conviction of, 1060
 Grand Secretary to certify status of, 270, 518, c340.4
 honorary members subject to disabilities of, c351
 irregular affiliation, 1061
 Lodge forfeiting or surrendering charter, c338
 Lodge under dispensation, 1095, c330
 petition for membership, c438
 petitioner for new Lodge may be, 421, 434
 relief and Masonic burial, s746
 restoration, effect of, 125
 visit to Lodge not allowed, c370
 withdrawal from membership, 1092, c369
See also Unaffiliated Mason
- Non-affiliated petitioner, c348**
 certificate of dimission with petition to form new Lodge, 434
 receipt in open Lodge, 519
 at Stated Communication, 521
 if pending in another Lodge, 522-523
 recommendation by member of another Lodge, 519
- Non-Masonic benevolent purposes**
 expenditures by Lodge for, 747.

- Non-Masonic business operations
 - alien to purposes of the Craft, 585
- Non-Masonic debt
 - prevention of incurring, 101
- Non-Masonic degrees
 - conferring not permitted, 836
- Non-Masonic purposes for assessments
 - examples of, 701-709
 - funds for, Grand Master may intervene in usage, 215
 - use of meeting place for, 779
- Non-Masons
 - competency as witness, 1376
 - excluded at trials, 1360
 - refusing to hear as witnesses, 1475
 - sworn or affirm, 1382
 - testimony, burden of proof, 1340
- Non-payment of dues, *see* Dues, non-payment
- Non-residence
 - Master may refuse to ballot or initiate on grounds of, 965
- Non-resident members
 - dues, By-laws may classify, 653
 - jurisdiction, 467-477
 - not eligible as Lodge trustee, s899
 - petition for initiation or advancement, 502, s502
 - qualifications as officer, 892
- Notice of appeal
 - filing with Grand Secretary, 1453, p408
 - form, 1450, p406
 - serving, 1451-1452, p407
- Notice of charges
 - answer to, 1260-1275, p38-p40
 - contents, 1251
 - forms, 1257, 1259, p33
 - necessity for, 1250
 - service, manner, 1252-1254, p34
 - profane, 1258
 - proof, 1256, p37
 - who may serve, 1255, p36
- Notice of intention to propose candidate, 619
- Notice of new business in Grand Lodge, 68
- Notices, 799
 - amendment of By-laws, 618
 - manner of mailing, 800, s800
 - meeting, due and timely, 28
 - unaffiliates, publishing names of, 985
- Notified
 - ineffectual use of word in summons, 1000

Number

singular and plural, 33, 1122, p16

O

Oath, Tiler's 1072

Objection to membership

demand for ballot, 1079-1080

distinction between demand and, 560, s560

effect of, 562

initiation or advancement of candidate, oral or written, 561, c358

Obligation

Bible present, 645

use of Koran, 645

witness implicating brother Mason or brother's wife, 1093

See also Penalties

Obligation of Elected Master, 297

Offenses

joinder of, 1248

liability of Master to charges, 976

trespass upon territorial jurisdiction, 840

See also Masonic offenses

Offensive language

disciplinary powers of Lodges, 671

suspension for use of, 946

Office

appointive, refusal to take, Masonic offense, 1130

every member eligible for, 1071

Particular Lodge, limiting number held, 771

seeking or declining, 1086

soliciting candidate for, not acceptable, 1087

Officers, Lodge, 887, s887, c300

additional and emeriti, 804, 859, c302

appointment by Master, 952, c302

ballot, 902-907

bond, requiring, 861

contracts, making, or incurring indebtedness without funds, 1162

death before installation, 192

dual membership, 1094

duties, powers and privileges, 941-944

additional, 858

election, 855, 898-908, s610, c302

disenfranchisement for non-payment of dues, 672-673, 683, s683

dispensations, 191-192

Grand Secretary and District Deputy notified of, 1027, c313.7

lower officers, 860

members entitled to vote, 1091

re-election, c306

regular, can not be avoided, 857

Officers, Cont'd.

- summons for, 900-901
 - to office in another Lodge, c317.5
- eligibility, 888-896, s888, c304
 - altering forbidden, 854
- emeritus, 804, s804
- failure to install, c302
- Grand Master may suspend, 236
- holds office until successor is installed, c316
- installation, 908-920, s910
 - not held outside Lodge-room, 775
 - relation of dues to, s683
- installing, must be Master or Past Master, s916
- jewels and aprons, 941, c315
- joint installation, 204
- Lodge may not divest of duties, 617
- Lodge under dispensation may not elect or install, 877
- Master, 889-896, 945-1008
 - election to another office forbidden, 969
 - may not destroy records, c321
 - may not hold two offices at one time, 888, s888
 - may not be petitioners to form new Lodge, 421, c327
 - member in good standing, c304
 - nominating 1075
 - limiting, 770, 1075
 - limiting number of offices held, 771, 888, s888
 - speeches, 856
- official misconduct, 1113
- Organist, 1037
- proficiency, certifying, in Lodge under dispensation, 615
- removing or suspending by Master, 989, s989, c309.5
- Secretary, 1019-1036
- subject to direction of Master, c314
- succession to office, c310
- summons from District Grand Master, c133.9
- suspension by Grand Master, c113.6
- Tiler, 897, 1038
- Treasurer, 1017-1018
- Trustees under Benevolent Orders Law, 899, 1039-1044
- vacancies in office, 924-925, c317
 - when and how filled, 936-940, c318, rIX
- Wardens, 1009-1016
 - See also* Master; Organist; Secretary; Tiler; Treasurer; Warden
- Officers of Grand Lodge, *see* Grand Officers
- Official misconduct
 - charge against Master or Past Master, 1113
 - See also* Masonic misconduct

- "Once a Mason always a Mason," 34
 Masonic offenses, 1123
- Opening defaults, 1427-1438, p200-209
- Opening Lodge
 charter must be present, 629
 earlier hour, 624
 presence of Master and Wardens, 630
 third degree, 634, c325
- Oral argument, 1429, p204
- Order, Rules of, pages c76-c87
- Order of business
 Annual Communication, 61-64, rXIII-rXVI
 Lodge, Master may change. 958
- Organist, 859, 1037
 honorary membership, s648
- Organizing under Benevolent Orders Law
 form of certificate, 762
 how accomplished, 761
 Masonic Lodge and Eastern Star Chapters may not form joint corporation, s760
 recommended, 760
See also Benevolent Orders Law
- Ornamentation of Lodge-room, 777-778
 portraits of living persons not permitted, s778
- Orphans of Mason, 1491, page c4
 personal aid to, a Masonic purpose, 700
 Trustees to provide for, c202

P

- Painted Post Lodge, jurisdiction, c342
- Parliamentary law systems, use discountenanced, 841
- Particular Lodge, *see* Lodge, Particular; Lodge under dispensation
- Passing, petitioner for, discussion of merits forbidden, 659, c356
- Past Grand Master
 on Committee on Masonic Jurisprudence, 344
 on Standing Committee on Hall and Asylum, 349
- Past Grand Officers
 compensation, 50
 membership in Grand Lodge, 39, c102, c107
 takes chair by succession, 60
 vote of, 72, rXVIII
- Past Grand Secretary, c102
- Past Grand Treasurer, c102
- Past Grand Warden, c102
- Past Master
 appointment to fill vacancy in Grand Office, 144, c128
 apron, s941
 charge against, limitation of prosecution, p10

Past Master, Cont'd.

- Commissioners of Appeals shall be, 351, c125
- convenes Lodge in absence of Master, 630
- District Deputy Master shall be, c120
- Grand Lecturer shall be, 294, c123
- installing officer, 916, s916, c302
 - does not represent Grand Master, 917
 - rights and duties, 918
- Judge Advocate shall be, 302, c126
- obligation of Elected Master and Secrets of Chair, 297
- official misconduct, prosecution for, 1113-1114, 1170
- Proctor shall be, 304, c126
- Proxy, eligible as, 42, c106
- secrets of chair given Master-elect, 915

Patriotic celebrations

- not strictly Masonic purpose, 706

Penal statute

- interpretation, c403

Pay of Members and Representatives, Committee on, 346, rXI.2

- deductions for unexcused absences, rXX

Penalties

- contumacy, 1124-1125, c336, p6 (c)
- disclosing ballot, c406
- facts in mitigation of, 1388-1389
- felony, c405
- misrepresentation, c407
- neglect to meet, c324
- non-affiliation, c370
- non-payment of dues, 689-692, s683, c367
- plea in mitigation of, 1273
- political activity, c509
- transgressing Rules of Order, 75, rI, II
- Trial Commission to fix, 1320, c104, c105
- violation of Masonic law, general, 1390, c404
 - individual, 1391-1401
 - Lodge, 1402-1405

Peremptory summons, c133.9**Permanent Fund**

- appropriations from, 128
- defined, 18
- in custody of Trustees of Masonic Hall and Asylum Fund, 373, c117.7, c203, c205

Permanent Home, defined, 6, c701**Permanent members of Grand Lodge, c102****Permanent records, c321****Personal aid**

- payment as Masonic purpose, 700
- a non-Masonic purpose, 705

- Personal delivery of notice of charges, 1252
- Personal jurisdiction
 - defined, 19
 - petitioner for initiation or affiliation, 465-469, c342
- Personal pledges
 - payment from Lodge funds not permitted, 752
- Petition for dispensation, 419
 - certificate of proficiency, 428-432
 - evidence of standing of petitioners, 433-434
 - expiration, 437
 - fees for dispensation and charter, 444
 - issuance, not mandatory, 435
 - time of year, 436
 - officer under disability, 429
 - petitioners, 421
 - number, 420
 - prerequisite for granting charter, 438-443
 - recommendation of other Lodges, 422-427
- Petition for initiation, *see* Initiation, petition for
- Petition for restoration, 115-119
 - See also* Restoration to membership
- Petitioner, *see* Candidates for membership
- Petitions
 - action on, s520
 - assumed name, s493
 - clandestine Mason as profane, s1104
 - failure to read, 1217
 - Master may direct vote on, 991
 - reading constitutes receipt, s520
 - reception of, and balloting, s531
 - referred to Investigating Committee, 530, s530
 - failure to refer, 1185
 - signed by member of Lodge, 516
 - to open default, 1427-1438, p200-p209, p400-p416
 - unlawful balloting on, Lodge subject to discipline, 1199
- Physical qualifications of candidates
 - amputee may be elected Master, s891
 - blind petitioner, signature, 511
 - deaf candidate, s498
 - defect after election, 499
 - disqualifying conditions determined by Master, 963
 - District Deputy may not determine, 311
 - Entered Apprentice, 1046-1047
 - examination by physician not required, 656
 - fingers, loss of, s498
 - Grand Lodge, attitude of, 92
 - Grand Master can not determine or issue dispensation, 180
 - individual cases, may waive disability, 211

Physical qualifications, Cont'd.

- hemophiliac, s498
- individual Mason to determine if petitioner possesses, 1068
- initiation, 1166, c346
 - charter arrested for initiation of persons not possessing, 1207
 - fee, return to physically defective candidate, c733
- leg amputation, dispensation, s498
- membership, rule stated, 498, s498, 655
- petition, 513
- Plea in mitigation of punishment, 1273, p82
- Plural number, 33, 1122, p16
- Pocahontas Lodge No. 211
 - jurisdiction, 454, c342
- Political organizations
 - Lodge-room not used by, 779

Politics

- Masonic discipline not intended for disputes in, 1109
- Masonry no part of, 108
- participation by Grand Master not permitted, 220
 - by individual members, prohibited, 1081
 - by Lodge, Masonic offense, 801, 1193
- political activity Masonic offense, 1165, c509

Portraits

- living persons, not permitted in Lodge rooms, s778
- Post of Masonic War Veterans, *see* Masonic War Veterans of the State of New York, Inc.

Postcards

- use in summons illegal, 1003

Power of attorney

- signing By-laws by, 581
- Powers, judicial, *see* Judicial powers
- Powers of Deputy, Grand Master, c115
- Powers of Grand Lodge, 81-90, c400
 - limitation, 82-83

Powers of Grand Master, c113, c114

Prayer, page c3

Precedence of Lodges, 802, c108

Preliminary meeting

- to form new Lodge, 418

Prerequisites for granting charter

- Committee on Law Enforcement to certify, 441
- debt, freedom from, 438
- meeting-place, 439
- proof of skill in work, 440
- recommendation of nearest Lodge, 442
- transcript of proceedings and By-laws, 443
- See also* Charter; Lodge

- Prerogative of Master, 865
 - can not be superseded, 765
- Presiding officers in Grand Lodge, 59-60
- Presumption of death, 35, s689
- Presumptive evidence of guilt, 1351
 - burden of proof on accused, 1341
 - overcoming, rule, 1352-1354
- Presumptive evidence of Masonic offense, p91
- Principles of Masonry
 - District Deputy Grand Master to instruct, c121.2
- Private disputes, discipline not for determination of, p8
- Privilege of witnesses, 1380
- Privileged Members, 1098
 - approved by Committee, s649
 - dues, 677
 - rule, 649-652, s650
- Privileges, *see* Rights and privileges
- Pro tempore officers
 - Senior and Junior Warden, c310
 - Trustees of Masonic Hall and Asylum Fund, 368, 372
- Proceedings before Trial Commission, 1317-1389, p80-p91
- Proceedings of Grand Lodge
 - Lodge to preserve copies of, 600, c321
- Proceedings of Lodge
 - Record Book, 597-604, c320.3
 - Secretary to record, 1031, c313.1
 - submitted to Grand Lodge, c323
- Processions, 803, s803
 - Lodge warrant forfeited for contumacy of Grand Lodge in holding, 1179
 - Masonic offense if unauthorized, 1127
 - non-affiliated Masons may not join in, c370
- Proctor
 - appointive office, 138, c126
 - compensation, 306, c129
 - complaint of Masonic misconduct filed with, 243
 - discipline jurisdiction, 106
 - duties and powers, 305
 - eligibility requirement, 132
 - member of Grand Lodge, 39, c102
 - qualifications, 304
 - title, 142, c112
- Proctor, trial and discipline duties
 - accused, fails to answer, 1317, 1321-1322, p80-p81
 - notice of trial, 1319, 1327
 - when accused admits charges, p82
 - when accused denies charges, 1330, p83
 - answer to charges served upon, 1275, p38

Proctor, Cont'd.

- appeal may be taken by, 1333, p404, p406
 - notice of appeal served on, 1451
 - appointment of Trial Commission and complaint sent to, 1236, p30
 - challenge to Trial Commissioner sent to, 1285, p46
 - notified of challenge to Trial Commissioner, 245
 - notifies accused of appointment of substitute Trial Commissioner, 1290
 - reply of Trial Commissioner sent to, 1286
 - substitute Commissioner, to receive challenge to, 1277, 1280
 - charges in complaint prepared by, 1242, p32
 - signed by, 1247, p33
 - complainant represented by, 1333, p85
 - exculpatory facts pleaded by accused, 1386-1387
 - pleads facts in mitigation of punishment, 1388-1389
 - interrogatories and cross-interrogatories delivered to, 1303
 - transmitted by, 1306
 - Masonic misconduct, complaint filed with, 243
 - may file statement in opposition, p205
 - notices, of charge to accused, 1250
 - of decision of Trial Commissioner to accused, 1424
 - to Lodge, 1425
 - of time and place for trials, 1330
 - chairman, 1321
 - to counsel for accused, 1322
 - of time and place of Trial Commission meeting, 1319
 - petition to open default forwarded to, 1428, p201
 - duty concerning, 1430-1432, p202-p203
 - to notify Lodge of decision of Grand Lodge Trial Commission, 792. p110, p113
 - witness, testimony of, 1306, p60
- Profane**
- clandestine Mason as, 1104, s1104
 - Grand Lodge of Egypt, s1104
 - notifying of rejection, 1076
 - petition of, 509
 - proof of service of charges by, rule, 1258
 - form, 1259
 - widow of Mason married to, 1494
- Profanity**
- use unMasonic, 1145
- Professional advice on non-Masonic matters**
- District Deputy Grand Master not responsible for, 312
 - Grand Master not required to give or procure, 186
- Proficiency, certificates of**
- Master and Wardens, 428-432
 - prof of, 590-592, c363
 - See also Degrees

Prohibition Act, 1153

Property

- acquiring, non-Masonic purpose, 701
- Committee on Lodge Records and Finance to advise on, 341
- contracts, signing, 1040
- evicting tenants, 1042
- insurance, 764
- leasing, 1043
- Lodge surrendering charter, 289, c338
- Lodges under Benevolent Orders Law, 870
 - exemption from taxation, 585, 872
- not to be used for gambling, lotteries or gift enterprises, 757
- repairs to, not justification for assessment, 707
- revenue from, 129
- Standing Committee on Hall and Asylum Fund, duties, 349
- Temple, expenditures for debt on, 749
- Trustees of Masonic Hall and Asylum Fund, powers concerning
 - 374, 381, 383, c202, c204
 - Secretary acts for, in matters concerning, 1036, s1036

Propositions

- must be in writing, 68, rX
- referred to Standing Committees, 69
- voting on, 283, rXVIII

Prosecution for Masonic offense

- abatement, 1118, p47
- charge against Master or Past Master, 1115
- commenced, 1117, p11
- felony charge, 1115
- limitation of, 1112, p7-p10
- misrepresentation or deceit in relation to initiation, 1116
- service of papers, 1119-1121

Provocative language or conduct

- Masonic offense, 1124, p5 (e)

Proxy

- electing, 43, 718, c106
 - blanks for election of, 281, c118.12
 - certificate of election, 44-45
- eligibility, 42
- member of Grand Lodge, c102
- officers installed by, 909, c307
- representative of Particular Lodge. 41, 817
- Special or Stated Communications, c133.18
- superseded, 46, c106
- votes, not permitted on acceptance or rejection of candidate, 548
 - not permitted at Lodge meeting, 844
 - prohibited, 1091

Public procession, 803, s803

- dispensation from District Grand Master for, s13² 19 (a-c)

- Public procession, Cont'd.
 - Lodge warrant forfeited for contumacy in holding, 1179
 - Masonic offense if unauthorized, 1127
 - non-affiliated Masons may not join, c370
- Public Relations and Publications. Committee on, 347, rXI.19
- Publications
 - Cipher Form, preparation, c123
 - purporting to be secret ritual, prohibited, 838
 - review of published transactions of Grand Lodge, 338
- Publicity
 - minutes not to be publicized, 798
 - publishing names of rejected candidates prohibited, 805
 - trials, exclusions from, 1360-1362
- Punishments, *see* Penalties; Trials
- Purity of Masonic institution
 - acts tending to impair, a Masonic offense, p5 (a)

Q

- Qualifications for membership, 494
 - affiliation, 512
 - age, 496
 - aliens, 501
 - amputee may be elected Master, s891
 - character, 497, 654
 - District Deputy Grand Master, c120
 - fee born, 495
 - initiation and advancement, 494-502, 513, 1161, s1161, c346
 - lacking, candidate may be tried for, 1161
 - members of Foundation for Medical Research and Human Welfare, 388
 - non-resident, 502
 - physical requirements, 498-499, 655-656
 - religious belief, 500
 - unworthy material, Lodge guilty of offense in accepting, 1208
- Queens, Borough of
 - petition for dispensation in, 425
- Question
 - postponing consideration, 982
 - speaking to, rIII
- Questionnaires
 - additional questions for Investigating Committee, 514
 - petition for affiliation, 512
 - petition for initiation, 513
- Quorum
 - adjournment for want of, 40
 - By-law may establish, s622
 - for business, 56

Quorum, Cont'd.

- for ceremony, 57
- no statutory provision for, s622
- Trial Commission, 1289, 1359

R

Raffles, premises not to be used for lotteries, 757, s757

Raising, petitioner for

- no discussion of merits of, c356

See also Advancement, candidate for

Real property, *see* Property

Reapplication for affiliation, 506

Reballot

- demand for, 568, s568

- withdrawn, 564

- effect of objection to signing By-laws, 584

- first ballot void, 557

- how taken, 570

- objection, 561-562

- objection and/or demand for, 560

- ordering by Master, 979

- rejection on, Master may announce to candidate, 975

- when required, 565-568

- when taken, 569

Recommendations of Lodges

- must accompany petition to form new Lodge, 422-425, c326

- discretion where single Lodge refuses, 426

- form, 427

- nearest Lodge, on application for new charter, 442

Recommendations, for membership, 518

- women as references, s518

Records, Lodge

- books to be kept by Lodge, 597-604, c320.3

- Committee on Lodge Records and Finance, 431

- Committee on Law Enforcement to certify, 340

- destruction or transfer, approval by Grand Master, 159

- District Grand Lodge, c133.12

- District Grand Lodge, c133.12

- failure to keep, Masonic offense, 1184

- preservation of Lodge records, 605, c321

- proceedings of Lodge, Lodge must keep Record Book of, 601

- Transactions of Grand Lodge, Grand Secretary to keep, 286

- transmitted by Secretary to successor, s1155, c313.13

- See also* Minutes

Refreshments

- expenses incurred for, 743

Register

- changing name on roster, 88, 1065

- Register, Cont'd.
 expulsions, suspensions and rejections, c313.4, c321
 initiates and affiliates, Grand Secretary to keep, 287, c118.2, c320.4
 rejections, Grand Secretary to keep, 274, c118.13
- Register of Members
 Lodge must keep, 603
 Secretary, 1023, c313.3
- Registry fee, 131, c600.7
- Regular meeting place of the Lodge, 955
See also Lodge-rooms
- Regularity, Masonic, 89
- Regulations
 District Grand Lodges, c133.17
 included in Constitutions, 25
 Masters presumed to know, 984
- Reinterment, 1064
- Rejected candidates
 ballot, advancement, 504, c358
 adverse, 554-556, c358
 collective, 543, s543
 first ballot void, 557
 original, 503
 fee, deposit with petition, return, 739
 return to petitioner, 728, 734, c360
 notifying petitioner of rejection, 975, c313.12
 notifying profane of, 1076
 petitioner for affiliation, 559, c348
 fee returned, 734, c360
 jurisdiction, 476
 petitioner for initiation, jurisdiction, 474
 unlawful rejection, 475
 previous rejection, inquiry concerning, 657
 proxy vote not permitted, 548
 publishing of names prohibited, 805
 record book of, Lodge must keep, 602, c320.5, c321
 Register of, Grand Secretary to keep, 274, c118.13
 Lodge Secretary to keep, 1032, c313.4
 report to Grand Secretary, 1034, c313.5
 Secretary to notify, 1029, c313.12
 time lapse between action on petitions, 542, c353
 between presentation of petitions, 558, c347
 petition received within 12 months of rejection, offense, 1212
 unfavorable report does not reject, 535
 void, s522
- Relief assistance
 Committee on Boards of Relief and Employment Bureaus, 329,
 rXL3
 Committee on Charity, 330

Relief assistance. Cont'd.

- Committee on Masonic Benevolences, 342, rXI.18
- calamity and disaster, Permanent Fund, c203
- compelling, 100, 170
- expenditures for benevolences, 746-747
- Grand Master's duties regarding, 257, c113.13, c117.3
- Lodge in control of extent of, 813
- Lodge may appoint committee to grant, s744
- Master Mason entitled to, 1085
- non-affiliated and unaffiliated masons, s746
- relatives or property legally liable, 815
- Trustees of Masonic Hall and Asylum Fund, 374
- voluntary, appropriation for, c372
- wives, widows, children and orphans, 1491-1495, c372

Religious belief, 500, page c3

- effect of answers demonstrating disqualification, 515
- questions to be answered in petition for affiliation, 513, c345.7,8

Religious disputes

- Masonic discipline not intended for, 1109

Religious services

- Grand Chaplains to conduct, 292, c122

Remarriage of widow, 1492-1495**Remission of dues, rule, 678**

- by committee, not permitted, 680
- does not constitute payment, 681
- Grand Lodge per capita not included, 679

Removal of meeting-places, 781, c343

- Lodge must act on, 782
- members must be summoned, 783
 - form of summons, 784
- permanent, 781
- sanction of Grand Master or Grand Lodge required, 786
- temporary, 787, s787
- vote required for, 785, s785
- see also* Lodge-rooms

Removals

- from office, member of Foundation, 110
 - power of Master, c309
 - Trustee of Hall and Asylum Fund, 111, c201
- of Master, from State, does not remove from office, 931
- Trustee, within State, office not vacant, 935
- vacancy in office by, 926, c317.5

Rents

- surplus, c204
- use, c202

Reorganization of incorporated Lodge, 763**Repealing clause**

- Book of Constitutions, 27

Report, good, 497

Reports

- Commission of Appeals, 67, rXV
- Directors of Masonic War Veterans, 416, c279
- District Deputy Grand Master, 313-314, c121.4.5
- District Grand Master, c133.13
- Finance Committee to Grand Lodge, 337, rXI.7
- Grand Representatives, 387
- Grand Secretary to Grand Lodge, 288, c118.6
- Grand Treasurer, 259, c116.6
- Investigating Committee, 530-535, c352
- Masonic Foundation, 402, c251
- Secretary, to Grand Lodge, 1025, c313.6
- Treasurer, c313.9
- Trustees of Masonic Hall and Asylum Fund, 380, c201
- Representatives, Grand Lodge, 384-387, c107, c113.12
 - compensations, 146, 346, s146, c130, c132
 - Lodge for Masonic study and research not entitled to, 868, c333
- Representatives of Particular Lodge, 41, c102, c107
 - compensation, 51, c130
 - designated agent, s744
 - number necessary to open Grand Lodge, c104
 - quorum for business, 56
 - seating arrangement in Grand Lodge, 58
 - voting powers, 78, c105, rXVII, rXVIII
- Reprimand
 - Grand Master to communicate sentence of, 174
 - individual punishment by, 1392
 - Lodge punishment, 1402
 - time of execution of sentence of, 1415
- Reputation and integrity of craft
 - Masonic discipline necessary to preserve, 1106, p3
- Rescinding Constitutions, 112
- Research Lodge, *see* Study and research, Lodges for
- Reserve Fund, defined, 20, c203
 - Trustees, 373
- Residence
 - defined, 6
 - dues, 655
 - Lodge must establish, s465
 - personal or material jurisdiction, 465-477, s465
 - petitioner, Investigating Committee to ascertain, 658
 - See also* Removals
- Residence requirements
 - Deputy Grand Master, 247
 - Grand Officers, 132, c110
 - removal vacates office, 143
 - Grand Secretary, 262

Residence requirements, Cont'd.

- Grand Treasurer, 251
- Grand Warden, 249
- permanent home, defined, 6, c701
- petitioner for affiliation, 471
- petitioner for initiation, 463, c342, c344
 - exceptions, c466-470
 - Investigating Committee to ascertain, 658
- Trustees of Masonic Hall and Asylum Fund, c200

Resignations

- Master can not resign, 992, c316
- vacancy in office by, 928, c317.2
- Warden not permitted to resign office, 1015, c316

Resolutions

- By-laws prevail over, 610
- not to be publicized outside Lodge, 798

Respondent, defined, 1448

Restitution

- of moneys converted by accused, 1220

Restoration to membership

- after expulsion, 818, p500
- after suspension, 819, p506
- after unaffiliation for nonpayment of dues, 820, 824, 830, s820, s824
 - no charge in addition to, 825
- cannot be posthumous, 822, s822
- dual membership, s929
- effect of 125
- Grand Lodge right of, 113, 818
 - in other jurisdiction, 114
- Grand Master not authorized to restore, 228
- Investigating Committee, 823
- judgment reversed, 1490
- Lodge must act on application for, 821
- Lodge recommending without summoning Lodge, Masonic offense, 1194
- notice to Trial Commissioners and Aggrieved Lodge, p502
- petition for, proceedings required, 115-122, p501
 - referred to Committee on Restorations, 123-124, p505
- recommendation, by Lodge, 120, 809, p503-p504
 - adopted at Stated Communication, 810
- reference of, and action on, p505
- refused, certificate attesting payments, 830, s830
- report to Grand Secretary, 1053
- reversal of decision, p416
- show of hands vote, Masonic offense, 1196
- vote required and regulated, 826-829, 843, c367
 - majority vote sufficient, 811

- Restorations, Committee on, 348, rXI.6
 - action by Grand Lodge on report of, 124
 - petitions for restoration referred to, 123
- Returns, c312, c336
- Revenues, *see* Funds
- Reversal of decision, p416
- Reversal of judgment, 1490
 - grounds for, 1467-1477
 - presumptive evidence overcome by, 1354
- Review of appeals, 1462-1464
- Rewards, public
 - offering does not justify assessment, 708
- Richmond Borough
 - jurisdiction, 453, c342
- "Right Worshipful," title, 142, c112
- Rights and privileges
 - accused, to be present at testimony against, 1363, p88
 - appeal a matter of right, 1445
 - no interference with, 766
 - ballot for each degree, c358
 - Grand Master may not divest of, 182
 - may not restore, 228
 - loss of, by expulsion, 1103, 1414, s1414
 - notice of hearings on, 184
 - restoring after expulsion, 113, 818, p500-505
 - visiting, 1090
- Ring, wearing by widow, s1073, s1142
- Rising vote, s842
- Ritual, *see* Standard Work
- Rochester, Lodges in
 - jurisdiction, 455
- Roster, *see* Register.
- Royal Arch Masonic Chapters
 - Grand Chapter, General Grand Chapter, recognized as Masonic bodies, 91, 915, c508
- Royal and Select Masters recognized, 91-c508
- Rules of Grand Lodge, 38-39
 - violation or failure to observe, Masonic offense, p5 (b), p6 (b)
- Rules of Lodge
 - By-laws as, 610
- Rules of Order, pages c76-c87
 - amending or suspending, 87, c800, c802
 - punishment for transgressing, 75
- Rules of Statutory Construction, 24-36, c403
- Russell Lodge
 - jurisdiction, c342

S

- Salaries of Grand Officers, 146, c129
- Salem Town Lodge No. 176
 - jurisdiction, 454, c342
- Sanity
 - accused committed as insane, 1230
 - balloting on candidate who becomes insane, s687
 - not triable, 1133
 - unaffiliation of insane brother not permitted, 687
- Saturday
 - hours of business of Grand Secretary, 273, c118.9
- Scandal
 - acts causing a Masonic offense, 1134, p5 (a)
- Scholarship fund
 - naming, s1149A
- Scientific lectures
 - Lodge may hear, 774
- Scottish Rite
 - authority, 38
 - recognized, 91, c508
- Seal, Grand Lodge
 - certificate of advancement in another Lodge, c364
 - certificate of election of Grand Officers, 276, c118.10
 - on dues cards, 693
- Seal, Lodge, 832, c320
 - certificate of advancement in another Lodge, c364
 - Lodge under dispensation, 879, c328
- Secretary to affix to returns and certificates, 1020; c312.10
 - used on certificate of proficiency of proposed Master and Wardens, 432
 - certificate of proxy, 45, c106, c133.18
 - dimits, 669-670
 - summons, 996, c309.2
 - facsimile on copy of summons, 1001
 - written communications to Grand Master, 596
- Seating arrangement in Grand Lodge, 58, rXVII
- Second ballot
 - objection and/or demand for, 560
 - when first ballot void, 557
- Second degree
 - abridging right to demand ballot for, 94
 - guest teams, s981
 - interval between degrees, 589, s589, c361
 - no dramatization of, 834
 - no fee for conferring, 735-736, c360
 - withholding, 587
- Secret ballot, 545, c356

Secret ritual

publications purporting to be, prohibited, 838, c500
 secrets of the chair imparted by Grand Lecturer, 297
 new Master in possession of, 915, c308

Secretary, Lodge, 887, c300

annual returns approved by Master, 954, c309.3
 attests Master's signature, 1019
 bonding, s861
 certificates of election certified by, 1020
 certificates of visitor identification, 863, c506.2
 certification of disbursements of Lodge funds, 743
 certification to Treasurer to pay moneys, 1017
 charge against Lodge, service of notice of, 1254, p35
 chosen annually by ballot, c302
 clerical assistance, may employ, 1021
 combining office with Treasurer, s888
 dimission, certificate of, 568
 dual membership not completed, notification to Lodge of, 1028
 duties, c313
 election of officers, to notify Grand Secretary of, 1027
 expulsions, suspensions and rejections, registering, 1032
 failure to turn over Lodge books, s1155
 Investigating Committee, presents report of, 532
 Masonic Law, knowledge of, 1022
 Master, vacancy in office of, notifies Grand Master, 1026, c318
 Master may supervise duties of, 1005
 mistake in giving life membership, s1098
 moneys, to receive and pay over, 1030, c312.1
 notices of meetings, 799
 notifies Lodge of affiliating members, c348
 notifies profane of rejection, 1076
 papers and documents kept by, c118.3
 receipts and accounts, Lodge must keep books of, 599, c320.6
 records proceedings of Lodge, 1031
 register of members, 1023
 rejected candidates, notifying, 1029
 rejections, reporting, 1034, c360
 returns on condition of Lodges, made to District Deputy Grand
 Master, 1024
 to Grand Lodge, 1025, c312.6, c336
 signature, certificate of proficiency, 432
 certificate of proxy, 45, c106
 original summons, 996, c309.2
 suspensions and restorations, reporting, 1033, c313.9
 Trustees, relation to, 1036, s1036
 Warden, vacancy in office of, notifies Grand Master, 1026
 withdrawn petitions, to return, 1035
 withholding Lodge funds, charges preferred for, 1169

Secretary, Lodge, Cont'd.

See also Grand Secretary

Secrets of the Chair

imparted by Grand Lecturer, 297

new Master in possession of, 915, c308

invested only once, s915

Secular disputes

Masonic discipline not intended for, 1109

Securities, Trustees of Masonic Hall and Asylum Fund, custody of, 373, c205

powers relating to, 381

Seneca Falls

jurisdiction of Lodge in, c342

Senior Deacon, Lodge officer, 887, c300

Senior District Grand Warden, c133.2, 4

Senior Grand Deacon

appointed by Grand Master, 138, c111

duties, 325, c124

member of Grand Lodge, 138, c102

term of office, c111

title, c112

Senior Grand Warden

duties and powers, 250, c116

elective Grand Officer, 133, c109

presides in Grand Lodge, 59, c102

residence requirement, 249, c110

succession to office of Grand Master, 145, c114

term of office, c109

title, c112

to preserve Ancient Landmarks, 250, c116

Senior Warden

chosen annually by ballot, c302

death, s938

dispensation for special election of, 195

eligibility, 888-889

dismembered veteran, 891

ineligible to fill vacancy in office of Master, 895-896

Junior Warden may be elected as, 1012

Lodge officer, 887, c300

powers and duties, 1009, c310

vacancy in office, c316, c317.4

See also Wardens

Sentence and punishment, 1478

modified, 1489

Separate trial, 1356

Service

Fifty Year Service Medals, Committee on, 336, rXI.16

Service of papers, 1119-1121, p14-15

- Service of summons, 1370-1371
- Show of hands
 voting by, 71, 842, s842, c109, c353
 waiver of jurisdiction, 853
- Sick benefits
 By-laws requiring, disapproved, 813
- Sight, making Masons at, 216
- Signatures
 answer to charges, 1269, p38
 By-laws, 575-584, 597, 816, c320.2, c341
 certificate of organization, 761-762
 complaints, p25
 consummating membership, c341
 Master, attested by Secretary, 1019, c313.11
 petition for dispensation, 419
 petitions for initiation and affiliation, 510, c345, c348, c361
 blind petitioner, 511
 summons for witness, 1369, p89
 visitor's certificate, c506.3
 See also By-laws, signing
- Silence, 73
 Rules of order, rI, II
- Singular number
 words in, include plural, 33, 1122, p33
- Sinking Fund, defined, 21, c204
- Skill in work, proof of, prerequisite for charter, 440
- Slander against brother Mason
 Masonic offense, 1145
- Social entertainment
 does not justify assessment, 709
- Soliciting funds
 Grand Master to approve, 157
- Solvay Village, jurisdiction, 456, c342
- Source of Masonic authority, 38, 81, c101, c507
- Sources of information, complaint, 1227
- Soures of revenue
 Grand Lodge, 131, c600
- Speaking, manner of, 74, rVIII
 nomination of officers, time limit, 74, rIII
- Speical Committees
 members, in Grand Lodge, 39, c102
 reimbursement for members of, 50, c131
- Special Communications, 627
 business at, 633, s633
 defined, 22
 degrees may be conferred at, 637, c358
 Grand Lodge, called by Grand Master, 55, 167, c103
 notice to Particular Lodges, 185

- Special Communications, Cont'd.
 installation held at, 914
 limitation of legislation at, 83
 Master may call, 955
 opens and closes on third degree, 634
 rebalot taken at, 569
- Special trusts
 paid over to Trustees of Masonic Hall and Asylum Fund, 382, c205
 vote necessary to appropriate from, 130
- Spectators
 exclusion from Masonic trial, 1361
- Standard Bearer, Grand, *see* Grand Standard Bearer
- Standard Work and Lectures
 annual conventions to exemplify, 298, c123
 authority to impart, conferring, 171
 Committee of Custodians of the Work, 344, c102, rXI.9
 degree in accordance with another jurisdiction, 835
 District Deputy Grand Master skilled in, c120
 every Lodge shall practice, 834, c366
 foreign languages, 607
 funeral service suggested not mandatory, s30
 Grand Lecturer and Assistants, appointment, 293
 to exemplify, 295
 to impart, 297-298, c123
 imparting, 837
 limiting to particular group illegal, 642
 Lodge in another jurisdiction, 644
 Lodge's refusal to practice, Masonic offense, 1197
 Master may regulate labor, 980
 prerogative of Master not to be superseded, 765
 skill and ability of Lodge under consideration, 299
 teaching any other than, subject to discipline, 1168
 visitors from another jurisdiction, 643
- Standing
 Good Masonic Standing, defined, 8, c304, c700
 effect of charges, 9
 See also Good Masonic Standing
- Standing committees
 appointment, 326, rXI
 compensation, 50, c131
 members of Grand Lodge, 39, c102, rXI
 number, 327
 propositions referred to, 69
 term, 328
See also specific names of
- State Court
 acquittal by, no weight in Masonic court, 1214
 sentence suspended, no bar to Masonic prosecution, 1221

- State law, bankruptcy violation
 - Masonic offense, 1150
- Stated Communication
 - ballots at, for advancement after rejecting ballot, 572
 - for initiation or affiliation, 540, c354, c358
 - election of officers by, 902, 904-907
 - reballot, 569
 - second ballot, 557
 - vacancies in office, filling, 936, c318
 - business transactions at, 632
 - By-laws amended at, s612
 - By-laws control holding, 956
 - date for installation of officers, 910
 - defined, 22
 - degrees may be conferred at, 637
 - dimit request presented at, 1058
 - election of officers held at, 898-907, c302
 - honorary membership conferred at, 648, c350
 - Lodge removal action at, 782, c343
 - Lodge summoned for election, 900-901
 - new Lodge, action on formation of, 808
 - nominating speeches, 903
 - opening at earlier hour, 624
 - opens and closes on third degree, 634
 - petition must be received at, 521; c352
 - Proxy, election, 43
 - restoration, recommendation for, adopted at, 810
 - vote for, 827, c367,
 - tax or assessment ordered at, 714, c371
 - voting at election of officers, 904-907
 - waiver of jurisdiction received at, 849
 - when and where held, 623, s623
 - withdrawal from membership, application, c369
- Statutes, amendment, c802
- Statutory Construction, Rule of, 36, c403
- Stay of execution of sentence, p410
- Stenographer to Trial Commission, 1240, 1406, p84
 - Master Mason may be employed as, 1338
 - payment of costs not prerequisite for appeal, 1446
- Stipulation to take testimony, rule, 1291
 - form, 1292
- Study and research, Lodge for, 445, c333
 - can not confer degrees, 866
 - may accept corresponding members, 867
 - not entitled to representative in Grand Lodge, 868
 - not included in dual membership, 1070, c349
 - not required to pay Grand Lodge fees, 869
 - territorial jurisdiction, 463

- State law, bankruptcy violation
 - Masonic offense, 1150
- Stated Communication
 - ballots at, for advancement after rejecting ballot, 572
 - for initiation or affiliation, 540, c354, c358
 - election of officers by, 902, 904-907
 - reballot, 569
 - second ballot, 557
 - vacancies in office, filling, 936, c318
 - business transactions at, 632
 - By-laws amended at, s612
 - By-laws control holding, 956
 - date for installation of officers, 910
 - defined, 22
 - degrees may be conferred at, 637
 - dimit request presented at, 1058
 - election of officers held at, 898-907, c302
 - honorary membership conferred at, 648, c350
 - Lodge removal action at, 782, c343
 - Lodge summoned for election, 900-901
 - new Lodge, action on formation of, 808
 - nominating speeches, 903
 - opening at earlier hour, 624
 - opens and closes on third degree, 634
 - petition must be received at, 521; c352
 - Proxy, election, 43
 - restoration, recommendation for, adopted at, 810
 - vote for, 827, c367,
 - tax or assessment ordered at, 714, c371
 - voting at election of officers, 904-907
 - waiver of jurisdiction received at, 849
 - when and where held, 623, s623
 - withdrawal from membership, application, c369
- Statutes, amendment, c802
- Statutory Construction, Rule of, 36, c403
- Stay of execution of sentence, p410
- Stenographer to Trial Commission, 1240, 1406, p84
 - Master Mason may be employed as, 1338
 - payment of costs not prerequisite for appeal, 1446
- Stipulation to take testimony, rule, 1291
 - form, 1292
- Study and research, Lodge for, 445, c333
 - can not confer degrees, 866
 - may accept corresponding members, 867
 - not entitled to representative in Grand Lodge, 868
 - not included in dual membership, 1070, c349
 - not required to pay Grand Lodge fees, 869
 - territorial jurisdiction, 463

- Surrender of charter, Cont'd.
 votes required, 843
- Suspended Lodge
 members of, 1096
- Suspension, By-laws, 614
- Suspensions
 Directors of Masonic War Veterans, 415-414
 disclosing ballot, 1399, c406
 felony, conviction of, 1060, c405
 foreign Lodge, 1101
 Foundation members, 399-401
 judgment reversed, 1490, p416
 Lodge membership, 586, 1100
 Lodge no power to interfere, 819
 misrepresentation in initiation, 1401, c407
 no relief from payment of Lodge dues, c368
 officers, by Grand Master, c113.6
 penalty for Masonic offense, 1395-1397
 publishing of names prohibited, 805
 record book of, Lodge must keep, 602, c321
 register of, 1032, c313.4, c320.4, 5
 report of, 1033, c313.9
 restoration, p500-505
 terminating penalty of, 127, p506
 Trustees of Masonic Hall, c201
 unlawful, Lodge subject to discipline for, 1201
 until costs are paid, 1408
 vacancy in office by, 926, c317.5
- Suspensions, charter, 881
 Grand Lodge may suspend, 104
 Grand Master may suspend, 243, c113.7
- Symbols of Masonry
 ornamentation of Lodge room, 777-778
See also Emblem

T

- Tax, for Masonic purposes, c371
 exemptions from, 585, 872
- Teams, degree, 981
 guest, s981
 picture in costumes not to be published, s981
- Tellers at election of Grand Officers, 154, rXVIII
- Tenant, evicting, 1042
See also Property
- Temperance, Order of
 Lodge-rooms not used by, 779
- Temple
 expenditures for debt on, 749

Temple, Cont'd.

Masonic Hall in New York City, 374

See also Lodge-rooms; Property

Temporary removal of meeting place, 787, s787

Terminating Lodge membership, 586, c369

Lodge to keep record of, c320.4

Termination of suspension, 127, p506

Termination of trial, 1364

Terms of office

Commissioners of Appeals, 355, c125

committee members, 328

Director of Masonic War Veterans, 410-411, c278

Grand Officers, appointive, 140, c111, c126

elective, 137, c109

Grand Representatives, 386

Lodge officers, 921, c302

Masonic Foundation for Medical Research and Human Welfare,
395-396, c250

Trustees of Masonic Hall and Asylum Fund, 363, c200

Trustees under Benevolent Orders Law, 922, s922

Territorial jurisdiction, c101

changing, 95

concurrent, 448

Erie County, 449, c342

invasion of, Grand Master may not authorize, 203

Lodges, generally, 447, s447, c342

under dispensation, 463

meeting-place, change in, 460

alternate, 461

Monroe County, 450, c342

Monticello and Fallsburg, 451, c342

military service, members in, 468, s468

municipal limits, change in, 459

New York City, 452-453, c342

petition for initiation, waiving, 845, s845

Rochester, 455

Seneca Falls and Salem, 454, c342

Solvay Village, 456, c342

study and research, 463, c333

suspension of charter, 462

trespass upon, 840, 1205

Troy, 457, c342

Utica, 458, c342

Testimony, Commission to take

application to Chairman of Trial Commission, 1293, p61

form, 1294

notice to adverse party, 1295-1296

form, 1305

- Testimony, Commission to take, Cont'd.
 interrogatories and cross-interrogatories, form, 1298-1299
 questions in, p63
 settlement, 1500-1503, p62
 transmitting, p64
 Master, issued to, 1304
 order granting, form, 1297
 rule, 1291
 stipulation for taking, form, 1292
 time and place for taking, p65
 witnesses, compelling attendance of, p66
- Testimony of witness
 deposition, p68-p69
 how taken down, 1355, p60
 in writing and signed, 1476
 refusing Commission to take, 1480
 taken before prior invalid commission, 1349
 when and to whom issued, p61
- Third degree
 abridging right to demand ballot for advancement, 94
 By-laws, time for signing, 576, s576, s340.2
 communications open and close on, 634, c325
 interval between degrees, 589, s589, c361
 limiting work to particular group illegal, 642
 membership in two Lodges, 487-489
 no fee for conferring, 735, c360
 application, 736
 reballot after taking, cannot be demanded, 563
 withholding, 587
- Ticket selling
 approval by Grand Master, 157
- Tiler, 887, c300
 avouchment to, irregular, 865
 ballot, right to, 547, 961, 1038, c105
 Honorary Member eligible as, 1097
 qualifications, 897, c304
- Tiler's Oath
 to proposed visitor to Eastern Star Chapter, 1072
- Time, computing, 24, 1121
- Time within which accused must answer charges, 1261-1267, p40
- Timely notice of meeting, 28
- Tioga Lodge
 jurisdiction, c342
- Title of Code, p1
- Titles
 Commissioners of Appeals, 356
 emeritus, 804, s804
 Grand Officers, 142, c112

Titles, Cont'd.

- Grand Pursuivant, 142, 301
- Grand Tiler, 142, 301
- Honorary Master not permitted, 646
- officers, Grand Lodge may fix, 93

Transactions of Grand Lodge

- Grand Secretary to record, 286, c118.1

Transfer

- request for, equivalent of dimit, s660

Transfer of records, approval, 159, c321

Travel expenses

- Representatives, c130

Traveling Certificate, Grand Lodge, fee, 131, c600.4

Treasurer, Lodge

- dispensation to form, 200

Treasurer, Lodge

- assistant treasurer, s887
- bond required from, 861, s861
- chosen annually by ballot, c302
- combining office, 888, s888
- disbursement of funds, 743
- duties, 1017, c312
- Lodge must keep financial records of, 599, c320.6
- Lodge officer, 887, c300
- Secretary pays over moneys to, 1030, c313.2
- Trustees of Masonic Hall and Asylum Fund, bonded, 369-370, c207
- relation to, 1018
- Warden may not fill vacancy in office of, 953
- withholding Lodge funds, charges preferred against, 1169

Trespass upon territorial jurisdiction, 840, 1205

Trial Commission

- appeals, 1439-1490, p400-416
- appointment by Grand Master, 155, 243, 1234, p29, p31
- certificate of, 1235
- notification of 279, 1236
- charges named in notice of, 1251
- amendment, 1249
- charter forfeiture, findings, 102, 1422, c337
- challenge to, 1276-1290
- clerk, 1240
- costs of trial, p300-p301
- counsel to, 1335, p85
- decisions, 1410-1426, p100-p114
- on appeals, 1441-1442
- default, opening, 246, 1427-1438, p200-p209
- discipline jurisdiction, 106
- duty, 1320, 1325
- exclusion of member, s946

- Trial Commission, Cont'd.**
 good faith presumed, 1465-1466
 Grand Master, advising or instructing by, 149
 may terminate suspensions, 239
 Lodge may challenge, 616
 Lodge without power to interfere with suspensions by, 819
 Masonic appeal, defined, 13
 no charge for services of, 1406
 notices entered in minutes, 792
 number and qualifications, 1237
 penalties at discretion of, 1391, p104, p105
 proceedings, 1317-1389, p80-91
 quorum, 1239
 refusal to act. Masonic offense, 1128
 refusal to hear non-Masons, 1475
 restoration, notice of filing petition for, 118, p500-p506
 spectators and witnesses excluded at trial, 1361-1362
 stenographer, 1240, 1406, p84
 summons to appear before, disobedience of, 1132
 suspensions by, Grand Lodge may terminate, 127
 Grand Master may terminate, 239
 testimony, taking, 1291-1316, p60
 refusal to take, 1480
 witnesses, competence of Commissioners as, 1377
 examined by, 1384-1385
 number, regulation, 1379
- Trial Commission, Chairman, p31**
 action when accused pleads exculpatory facts, 1386-1387, p100
 pleads facts in mitigation of punishment, 1388-1389, p102
 appointment, 1238, p29
 duties, 1318-1324
 Examiner designated by, 1293
 Lodge charter, recommending forfeiture, 1422
 notified of failure of accused to answer, p80-p81
 when accused admits charges, p82-p83
 petition to open default forwarded to, 1430, p206
 granting or denial determined by, 1433-1436, p207-p208
 summons issued by, 1367, p66
 proof of service to, 1371
 trial, to fix time and place, 1323, 1329
 witnesses, securing attendance of, p89
- Trial Commission, decisions**
 all questions during trial, 1357-1358, p100-p114
 appeal from, 1441-1442
 counsel and advice as to, 1474
 dissenting Commissioner, 1357, 1412, p109
 effect of, 1426

- Trial Commission, decisions, Cont'd.
 filing, 1420, p110-p111, p114
 minutes of trial and exhibits, 1423, p112
 notice of, 1421, p113
 forms, suggested, 1416-1419
 majority must concur, 1411
 notice to accused, 1424
 to Lodge of accused, 1425
 recommending forfeiture of Lodge charter, 102, 1422, p106, p111
 requisites of, 1413-1415
 written, 1410, p107
- Trial Commissioners, challenge to, 245, p41-p46
 accused may challenge, 1278
 bias, must show, 1282
 facts certified as true, 1283
 form, 1284
 Grand Master may sustain or overrule, 1287-1289, p44
 in writing, 1281
 reply directed to Proctor, 1286
 right to, rule, 1276
 substitute, 1277
 accused notified of, 1290
 when made, 1280
 to whom sent, 1285
 when made, 1279
- Trials, c400, c402
 accused, presence of, 1363
 counsel, 1324
 adjournment, 1332
 advancement refused, not entitled to, 1053
 answer, 1260-1275
 appeals, 1439-1462, p400-p416
 determination of, 1486-1490
 ballot, making known, c406
 charges, notice of, 1250-1259, p32-p35
 amendment, 1358
 defined, p22
 Grand Master may direct, 181
 withdrawal, 1365
 charter, forfeiture, p106, p111
 complaint, 1223-1228, p21, p24-p29
 conduct of, 1331-1365, c402
 conviction, necessity of, 1110, p12
 suspension upon, 1060, c405
 State or Federal court, p91
 costs, 1406-1409, p300
 failure to pay, Masonic offense, 1126, p301
 not to be reimbursed, 753

Trials, Cont'd.

- payment, 1394, p301
 - Grand Master may order, 219 p301
- counsel for accused designated, 1324, p85
- decisions of Trial Commission, 1410-1426, p107-p114
- default, opening, 1427-1438, p200-p209
- defined, 14, p13
- depositions, 1314-1316, p68-p69
- duty of Commission, 1325
- Entered Apprentice or Fellow Craft subject to, 1055
- Examiner, 1306-1313, p66-p68
- felony, expulsion as punishment, c406
- instituting, p20-p47
- interrogatories and cross-interrogatories, 1298-1303, p62-p64
 - answers to, 1311, p67
- joint or separate, 1356
- judicial powers of Grand Lodge, 107, c400
- Lodge has right to appeal, 595
- Master, position at, 1006
- misrepresentation, c407
- number, singular or plural, 33, p16
- objections, and rulings on, 1357
- penal statute, construction, c403, p8
- penalties, 1390-1405, c404, p104-p105
- presumption of good faith, 1465
- proceedings, 1317-1389, p80-p91
 - when accused denies charges, 1326-1330, p83, p100
 - when accused fails to answer, 1317, p80-p81, p101
 - when accused pleads exculpatory facts, 1386-1387, p83, p100
 - when accused pleads facts in mitigation of punishment, 1388-1389, p82, p102
- Proctor notified, 1330, p30, p43
- publicity, excluding, 1360-1362
- quorum, required, 1239, 1359
- reversal of judgment, 1467-1477, 1484, p416
- review, 1463-1485
- restoration, p500-p506
- sentence and punishment, 1478
- service of paper, p14-15
- termination, 1364, p506
- testimony, 1291-1316, p60-p69
 - commission to take, 1304-1305, p61
- time and place, 1323, 1329, p14
- witnesses, 1366-1385, p86-p89
- See also Accused; Charges
- Triangle, use of, in Lodge-room, 778
- Troy, Lodges in City of
 - jurisdiction, 457, c342

- Trust funds
 special trusts in custody of Trustees of Masonic Hall and Asylum Fund, 382, c203
 vote necessary to appropriate from, 130, c203
- Trustees, Lodge
 combining office, s888
 dissolution of Lodge under Benevolent Orders Law, 886
 depository, selection, 1044
 duties and powers, 1039-1044
 election, 761-762, 899
 non-resident, election prohibited, s899
 Lodges organized under Benevolent Orders Law, 870
 funds, 873, 1044
 monthly meetings, s922
 number, s1039
 Secretary's relation to, 1036, s1036
 Treasurer's relation to, 1018
 term of office, 922, s922
 vacancies in office, 933
 commitment as insane, 934
 filling, 940
 removal from State, 935
- Trustees of Masonic Home and Asylum Fund, *see* Masonic Hall and Asylum Fund, Trustees
- Trustees of the Permanent Fund and Reserve Fund, 373, c203
- Two-thirds vote
 interpretation, 843

U

- Unaffiliation, 23, 1102
 appeal, does not affect right of, 1447
 arrears for period of, s1102
 certificate when restoration refused, s830
 collective vote, s543
 disciplinary proceedings, 34
 dual membership, c349
 Master, 1007
 vacancy in offices by, 929, c317.6
- dues, certificate for payment, 758, 759
 failure to pay, 672-673, 684-686, s683, s689, c367
 full payment to avoid, 692
 Lodge may pay, 746
 not counted for life membership, s650
 insane brother, not permitted, 687, s687
 life or privileged member, 650
 Master, 688, 1007
 Master Mason, s684
 privileged members, 650, s650
 publishing names of, 985

- Unaffiliation, Cont'd.
relief and Masonic burial, s746
restoration to Masonic rights, 113, 820, s820, c367
by District Deputy Grand Master, 316
cannot be posthumous, 822, s822
certificate when restoration refused, s830
not restored, return of arrears not permitted, 754
voting on, 828-830
status of unaffiliate, c720
summons before, 689, 1088
form, 690
termination of membership by, 586
unlawful, Lodge subject to discipline for, 1201
vote of Lodge necessary for, 691
See also Non-affiliated Mason
- Unity Daylight Lodge
jurisdiction, 342
- Unlawful affiliation
Masonic offense, 1202
- Unlawful balloting
Masonic offense, 1199
- Unlawful conferring of degrees
Masonic offense, 1203
- Unlawful initiation, 483
fees, 1219
- Unlawful rejection
jurisdiction, 475-476
- Unlawfully abating Lodge membership
Masonic offense, 1201
- UnMasonic conduct, rule, 1134
blackball, threat of, 1141, c1141
instances, 1135-1169, s1155
Lodge, 1177-1221
Master, 1170-1176
preferring complaint of, 983
See also Masonic misconduct
- Unworthy Material
Lodge guilty of offense in accepting, 1208
- Utica, Home at
admissions to, 375
child living with parents, 376
wife of living brother, 377
wife, widow and children, 1491
surrender of children, 378
memorials at, 379
Standing Committee on Hall and Asylum to inspect, 349
- Utica, Lodges in City of
jurisdiction, 458, c342

V

- Vacancies in office, 924, c318
 - Commission of Appeals, 353, c125
 - dispensation to fill, c113.8
 - District Grand Master, c133.2
 - election and installation in another office, 925
 - expulsion, suspension or removal, 926-927
 - filing, 144, 936-940
 - Foundation for Medical Research and Human Welfare, c250
 - Grand Lodge, c128
 - Grand Master, 145, c114
 - how caused, 143, c317
 - Masonic War Veterans, c275
 - Master and Wardens, 937-939, c310
 - military service does not create, 932
 - removal of Master from State does not vacate office, 931
 - resignation, 928
 - Trustee under Benevolent Orders Law, 933-935, 940, c200
 - unaffiliation under dual membership, 929
 - withdrawal from membership, 930
- Vestal Lodge
 - jurisdiction, c342
- Vested rights
 - life membership, 649, s649, s651
 - not affected by change in By-laws, s649, s651
- Veterans
 - dismembered, qualified for service as Master or Warden, 891
 - See also* Masonic War Veterans
- Violation of Masonic law
 - penalties, *see* Penalties
- Visitors, 862, s862, c505, c506
 - admitting, excluding or ejecting, 946
 - appointed to act as Warden, 1010
 - avouchment, 12, 862-865, c506
 - ballot on membership application, 549
 - committee to examine, 947
 - Entered Apprentice or Fellow Craft, 1054
 - from another jurisdiction, 863
 - may perform ritual work, 643
 - Grand Lodge, 76
 - non-affiliated Mason, restrictions, c370
 - rights not unqualified, 1090
 - unaffiliated, not allowed, c367
- Visitors' Book
 - Lodge should keep, 604
- Visits
 - District Deputy Grand Master, annual official visit, 320-324
 - Lodges, generally, 319, c121.2

Visits, Cont'd.

District Grand Master may deputize, c133.22

Grand Master, 806

Void ballots, effect of, 907

Voting

amendments to Constitution, Lodge under dispensation not entitled to, 878

Annual Communication, at seats, rXVII

ballot or show of hands, 71, 842, c109, c353

blackball, improper use, 1141

certificate of proficiency, 430

disciplinary action, 671

disenfranchisement for non-payment of dues. 672-673, 683, c303

dual membership, 1094, c349

Grand Lodge, c105

Grand Master, 79

Grand Officers, election, 135, c109, rXVII, rXVIII

Grand Tiler, not entitled to vote, 80, c105

Lodge officers, electing, 904-907, c302

Lodge records, destruction or transfer of, 605, c321

Lodge Representative, 78, c105

Lodges, call of, 72

Masonic Hall and Asylum Fund, new charges for benefit of, 86, c601

Master may direct manner of, 968

Master's right to, 1008

members, 77

compulsory, c355

every member in good standing entitled to vote, 1091, c303

motions decided by majority vote, 70, rV

number of votes, 843, c105

petitions, 546-551

Master may require vote on, 991

proxies not permitted, 844

reballot, compulsory, 570

on physical fitness, 1068

removal of Lodge, required, 785, 785

restoration, 826-829, c367

recommendation to Grand Lodge for, 811, s811

rising, s842

Rules of Order, amending or suspending, 87, 853, c800

show of hands, 71, 842

waiver of jurisdiction, 853, c353

study and research Lodge not entitled to, 868

surrender of charter, 884

tax or assessment ordered by, 715

unaffiliation, 691

unanimous, for renewed membership, 1058

use of Special Trust funds, 382, c206

Voting, Cont'd.

waiver of jurisdiction, show of hands, 853

See also Ballot

Vouching for visitors, 12, 862-865, c506

W

Wakan Lodge 1054

jurisdiction, 455

Waiver

initiation of non-resident without, 502, s502

notice of charges, 1250

powers of Grand Master, 209, 210, 211

Waiver of jurisdiction, 477, 480, c344, c351

action on request for, 846, s846

arrested advancement, petition after, 573, s573

ballot box used in voting on, s971

ballot upon petition for initiation, 541, c353

blanket waiver not permitted, 847

how secured, 846, s846

Investigating Committee, 850, 852

non-resident, s467

passing or raising Entered Apprentice or Fellow Craft, c365

personal or material jurisdiction, 465, s465

petition only at Stated Communication, 849

renewal of request for, no time limit on, 848

right recognized, 845, s845

Secretary, duty concerning, 1035

service man at Army base, s468

show of hands vote, 853, c353

violation in granting, s851

withdrawal or return of petition, 524-525, s525, c353

War Veterans, *see* Masonic War Veterans of the State of New York, Inc.

Warden, Lodge officer, 887, c300

absence, during entire term, 896, c310

Grand Master may preside, 173

amputee, may serve as Master, s891

appeal from decision of, 176

determining, 96

when presiding, 1014, c311

ballot box, inspection, 1013, c354

ballots, examination before results announced, 550, s550

chosen annually by ballot, c302

Communications, presence at, 630

death, 938, s938

dimit not granted to, 662, 1011, s1011

eligibility, 888-889, s889

dismembered veteran, 891, s891

as Master, s896

- Warden, Lodge, officer, Cont'd.
 - ineligibility to fill vacancy in office of Master, 895
 - Grand, *see* Grand Warden
 - installation, c302
 - failure or refusal to be installed, 911
 - irregular, 913
 - place, 914
 - Master may not delegate Past Master when Warden present, s959
 - Master must have served as, 188, c305
 - military service does not vacate office, 932
 - new Lodge, certificate of proficiency for, 428-432, c326
 - powers and duties, 1009
 - when visiting brother, 1010
 - presence supersedes proxy, 46
 - represents Lodge in Grand Lodge, 41, 817, c102
 - resignation not permitted, 1015, s1015, c316
 - signature on certificate of election of Trustees, 761-762
 - succession to office of Master, c310
 - term of office, c316
 - unaffiliation, 688, 1016
 - vacancy in another office, may not fill, 925, 1012
 - vacancy in office, 912, c317.4
 - dispensation to hold election for, 194, c113.8
 - duty of District Deputy Grand Master to fill, 309
 - filling, 938-939
 - Secretary to notify Grand Master of, 1026
 - visitor, appointment as, 953
 - withdrawal, 1015, s1015, c316
- Warrant of appointment
 - District Deputy Grand Master, 317, c120
- Warranted Lodge
 - territorial jurisdiction, 464
- Warrants for expenditures of money
 - Lodge to preserve, c321
- Westbrook Lodge
 - jurisdiction, c342
- Wife or widow of Mason
 - admittance to Home at Utica, 377, 1491
 - Masonic benevolences, 746
 - Masonic burial, s746
 - payments to, disapproval, 813
 - personal aid to, a Masonic purpose, 700
 - non-Masonic purpose, 705
 - relief, 1491, c202
 - remarriage, effect, 1492-1495
 - ring, wearing, s1073, s1142
- William S. Farmer Lodge
 - jurisdiction, c342

Withdrawal from membership

- by dimit, 660, 1092, c369
- definition, c702
- petition, 529, s529
- vacancy in office by, 980, c317.7
- Warden, 1015, s1015, c316

Withdrawal of funds

- for charity, 240, c113.13

Withdrawal of petition, 1192, c353**Witnesses**

- adverse party, notice to, 1295-1296, p60
- application to Trial Commission, 1295-1294, p60-p61
- attendance compelled by summons, 1366-1371, p66, p89
- competency, 1372-1377
- credibility, 1378, p86
- Examiner, duties and powers, 1307-1313, p65-p68
 - deposition, 1314-1316, p68-p69
- exclusion from trial except while testifying, 1362
- implicating brother Mason or brother's wife, 1093
- interrogatories and cross-interrogatories, 1298-1303, p62-p64
 - form of answers to, 1311, p67
- Masonic, not sworn, 1381, p87
- non-Masonic, sworn, 1382, p87
- number, 1379
- privilege, 1380
- right of accused to face, 1383-1385, p88
 - exclusion grounds for reversal, 1472
- summons, 1367-1369
 - service, 1370-1371
- testimony, commission to take, 1304-1306, p60
 - order granting, 1297
 - stipulation for, rule, 1291-1292

Women to act as references, s519**Work see Standard Work****Work, Custodians, see Custodians of the Work****"Worshipful," title, 142, c112****Y****Year**

- for computation of salaries, 146, c129