

MASONIC CODE

FOR

TRIALS AND PUNISHMENTS

PRESCRIBED BY

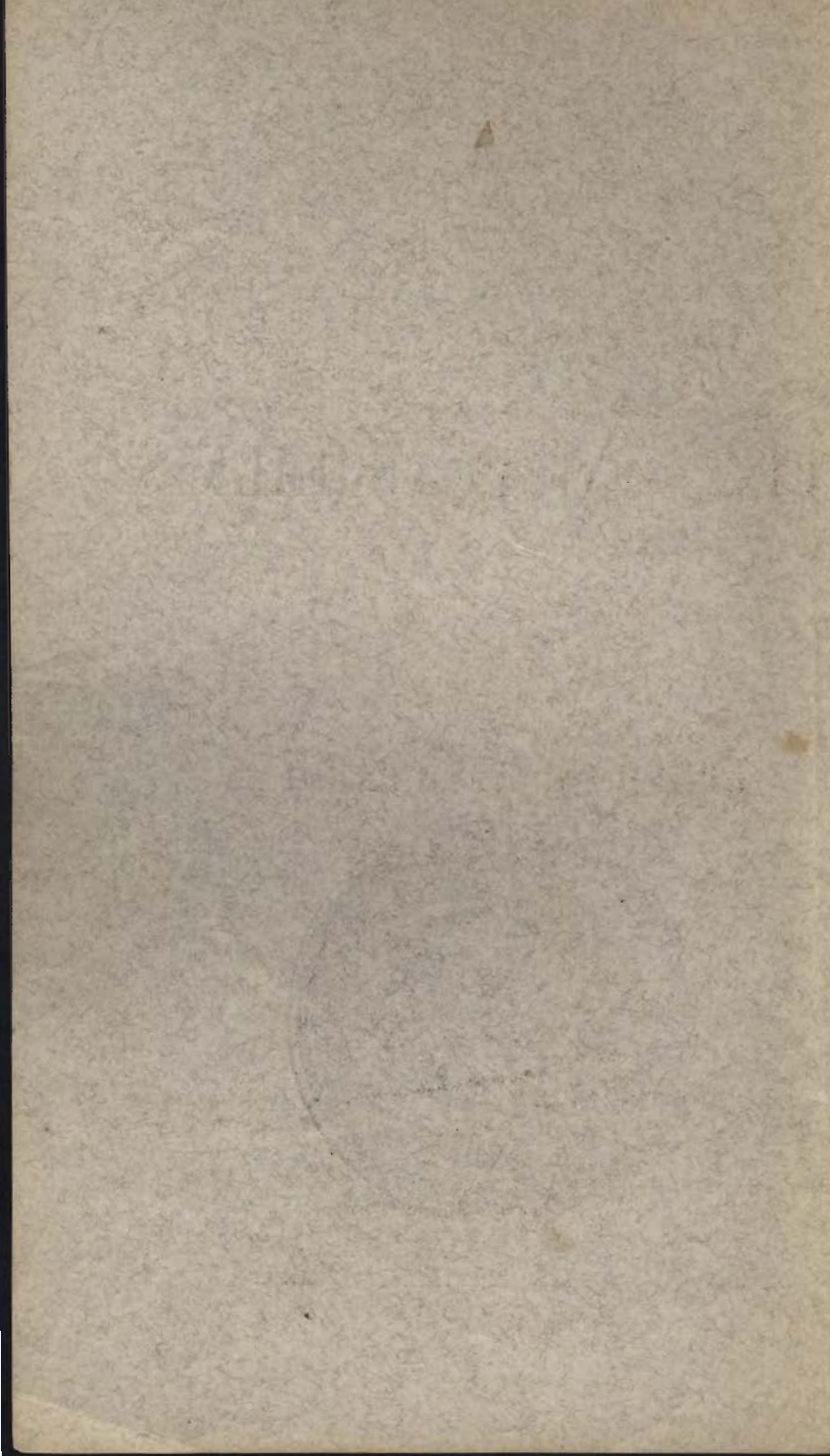
GRAND LODGE OF DAKOTA.



YANKTON, DAKOTA.

BOWEN & KINGSBURY, PRINTERS AND BINDERS.

1876.



MASONIC CODE

FOR

TRIALS AND PUNISHMENTS

PRESCRIBED BY THE

GRAND LODGE OF DAKOTA.



YANKTON, DAKOTA.

BOWEN & KINGSBURY, PRINTERS AND BINDERS.

1876.

LIBRARY OF THE

UNIVERSITY OF CHICAGO

AND



1892

MASONIC CODE.

CHAPTER FIRST.

MASONIC CRIMES.

SECTION 1. Masonic crimes are :

1. A violation of any of the duties enjoined by the ancient charges of Free Masonry.

Violation of ancient charges.

2. the doing of any act contrary to, or subversive of, any of the three great duties which every Mason owes, and is charged to inculcate, to God, his neighbor, and himself.

Violation of duty to God, his neighbor, or himself.

3. Conduct which tends to impair the unsullied purity of the order, or which is, in anywise, contrary to the obligations and teachings of the institution.

Unmasonic conduct injurious to Masonry.

The master of the □, during the term of his office, cannot be tried by his □, and can only be held amenable, for any offense committed, to the Grand □, to which charges should be preferred.

Master not triable in his Lodge.

SEC. 2. In addition to the foregoing general definitions of masonic crimes, the Grand □ of Dakota has made the neglect to pay □ dues a masonic offense, as follows :

Non-payment of dues a Masonic offense.

“Sec. 47. (Grand □ By-Laws.) When any member neglects for one year to pay dues, unless they have been remitted by a vote of the □, it shall be the duty of the Worshipful Master to cause proceedings to be instituted against him for such neglect, in the manner prescribed in section 47 of the Grand □ By-Laws,” and this code.

Penalty for neglect to pay dues.

CHAPTER SECOND.

JURISDICTION OF MASONIC OFFENSES.

Over mem-
bers and non-
affiliates.

When over
foreign Masons

SECTION 1. Every □ has jurisdiction over its own members, and all non-affiliated Masons residing or sojourning in the vicinity. If the offender holds membership in another □, the charge shall be sent to that □ for trial ; but if such □ refuse to try, or waive the right to entertain the charge, then, and in that case, the □ within whose jurisdiction the offense was committed, shall proceed to try the accused.

Over entered
apprentices
and fellow-
crafts.

SEC. 2. The jurisdiction extends over Entered Apprentices or Fellow Crafts, as well as over Master Masons.

CHAPTER THIRD.

CHARGES.

Form of pro-
ceedings.

Charges,
form of.

when read.

Who may pre-
fer charges.

SECTION 1. Whenever a member of a □, or a brother, under this jurisdiction, shall be accused of any masonic offense, which, if proved, would subject him to punishment, the proceedings in the premises shall be conducted substantially in conformity to the rules and forms prescribed in this code. All charges for masonic offenses shall be made in writing, specifying with reasonable certainty the character of the accusation, and signed by the accuser, and delivered to the Secretary, who shall read them in open □ at the next stated monthly communication, unless, for good reasons, the Worshipful Master shall deem it advisable to have them read at a special meeting.

SEC. 2. It is not essential that the accuser should be a Mason. A charge of immoral conduct may be preferred by a profane. But to further the administration of justice, it is made the especial duty of the Junior Warden, in the absence of other accusers, to prefer charges for offenses committed when the □ is not at labor ; but the neglect

or refusal of the Junior Warden to perform such duty, will not prevent any other brother from preferring and prosecuting any charge of unmasonic conduct which may come to his knowledge. The charges shall be substantially in the following form :

[No. 1.]

Form of Charges for Masonic Offense.

Form of
charges for
masonic of-
fense.

To the Worshipful Master, Wardens and Brethren of.... □, No..., A. F. and A. M.:

I hereby charge Brother, a member of this □, (or, "a non-affiliated Mason residing within the jurisdiction of this □," as the case may be,) with unmasonic conduct, (or "immoral conduct,") in this, to-wit :

Specification 1st—For that the said Brother. . . on or about the....day of....., A. D. 18.., did (here state the facts constituting the offense in ordinary and concise language.)

Specification 2d—For that the said, &c., (proceed in the same manner as in the first specification.)

Dated this....day of....., A. D. 18...

(Signed) A.... B....,
Junior Warden.

If the offense is a continuation of the same or like acts, such as habitual drunkenness or profanity, the statement may be thus :

[No. 2.]

"For that the said Brother, on or about the day of, A. D. 18.., and habitually from that day to the present time, did," &c.

If different offenses are intended to be charged, each offense must be set forth in a separate charge, and, after the first, may commence thus :

[No. 3.]

"I hereby further charge the said Brother.

with unmasonic (or immoral) conduct," &c., (specifying the facts of the offense as before explained.)

Must be signed.

The charges must be signed by the accuser, and delivered to the Secretary of the □, who should mark the same filed, thus :

"Filed this....day of...., A. D. 18...

(Signed)

E.... F....,

Secretary."

Read in open Lodge.

It is then the duty of the Secretary to read the charges in open □, at the next regular communication, unless the Worshipful Master deem it advisable to order them read at a special communication.

If the offense is that of neglect to pay dues, the charges shall be substantially in the following form :

[No. 4.]

Form of Charges for Neglecting to Pay Dues.

To the Worshipful Master, Wardens and Brethren of.... □, No. .., A. F. and A. M.:

I hereby charge Brother, a member of this □, with unmasonic conduct, in this, to-wit: For that the said Brother is a member of this □; that he is in arrears for □ dues from (state the time from which the arrears commence,) to this date; that he has failed and neglected to pay the same, and still neglects to do so, and that his said dues have not been remitted by vote of this □.

Dated this .. day of, A. D. 18...

(Signed by the Junior Warden or Secretary.)

Duty of Secretary.

It will be seen by reference to Grand □ By-Laws (chapter 1, section 1 of this code,) that it is made the duty of the Secretary of each □ "to cause proceedings to be instituted against members for neglect to pay dues for one year."

CHAPTER FOURTH.

NOTICE, SERVICE AND PROOF OF NOTICE.

SECTION 1. The Secretary having read the charges in open □, the Worshipful Master must then appoint a special communication for the purpose of the trial, and the Secretary, under the direction of the Master, shall serve, or cause to be served, on the accused an attested copy of the charges, and a citation, in which shall be stated the time and place appointed for the trial ; *Provided*, That all testimony in regard to charges preferred in a □ may be taken by a commission specially appointed for that purpose, if the □ so decide by vote of a majority of the members present at the time the charges are presented. When a □ decides that testimony be taken by a commission, the presiding Master shall appoint a commission to consist of not less than three or more than five members of said □, to take testimony in the case, and report the same to the □ for its judgment. The decision of the □ shall be final, unless an appeal be taken therefrom to the Grand Master or the Grand □.

Charges tried at special meeting.

Notice to be given accused.

The attestation of the charges by the Secretary may be as follows :

[No. 5.]

"I hereby certify the foregoing to be a true copy of the original charges on file in my office.

Form of attestation of charges.

In witness whereof, I hereto set my hand and [SEAL] affix the seal of the □ this day of, A. D. 18...

E.... F....,
Secretary.

The citation shall be substantially in the following form:

[No. 6.]

Form of Citation.

Form of citation.

To Brother (name of accused):

SIR AND BROTHER: You are hereby notified that at a stated communication of □, No..., A. F. and A. M., held on the day of, A. D., 18.., charges were preferred against you, an attested copy of which is hereto annexed, and that the trial thereof will be had at on the.... day of, A. D. 18.., commencing at .. o'clock P. M.; at which time and place you are hereby cited to appear and make defense thereto.

Given under my hand and the seal of the □
[SEAL.] this day of, A. D. 18..

E.... F....,

Secretary.

If the charges are for neglect to pay dues, the following form should be used:

[No. 7.]

Form of Citation for Neglecting to pay Dues.

To Brother (name of accused):

SIR AND BROTHER: You are hereby notified that at a stated communication of □ No. .., A. F. and A. M., held on the day of...., 18.., charges for neglecting to pay dues were preferred against you, an attested copy of which is hereto annexed, and that the trial thereof will be held at, on the day of, A. D., 18.., commencing at o'clock, P. M.; at which time and place you are hereby cited to appear and show satisfactory reason to the □ for your delinquency.

Given under my hand and the seal of the □
[SEAL] this day of, 18..

E.... F....

Secretary.

The Secretary must, in all cases, retain a copy of the citation served on the accused. Where

offenses are committed in open \square , while at labor, the rules requiring delay and written citation to be served on the accused, may be dispensed with, and the Master is authorized to order the offending brother to show cause, instanter, why he should not be dealt with. In this case, however, the Secretary's minutes must show that the offense was thus committed, specifying with reasonable certainty the nature of the offense.

Offenses in open Lodge.

SEC. 2. If the residence of the accused is known, and within thirty miles of the place where the \square having the matter in charge is located, the accused is intitled to a personal service of at least ten days before the trial. If his residence be at a greater distance than thirty miles, but within the jurisdiction of the Grand \square , then, and in that case, a copy of the charges and the citation to appear and make defense, forwarded to him by mail or other conveyance, twenty days shall be deemed sufficient. If his residence be out of the state, and known, and more than thirty miles distant, the charges and citation shall be forwarded thirty days before trial. If his residence be unknown the \square may proceed with the trial *ex parte* without the service of notice. In such case, however, the minutes must show that the residence of the accused was unknown.

Service of citation, personal, 10 days.

By mail 20 days.

By mail, 30 days.

Trial, ex parte.

SEC. 3. The Secretary or other brother serving the citation and charges on the accused, should certify on the back of the copy of the citation retained by the Secretary, the time and manner of making the service, which shall be substantially in either of the following forms, according to the facts :

Proof of service of citation

[No. 8.]

Certificate of Personal Service.

I hereby certify, that on the day of, A. D., 18—, (not less than ten days before trial),

I delivered to Brother, personally, the original citation, of which the within is a copy, together with an attested copy of the charges therein referred to.

E. . . . F. . . .

[No. 9.]

Certificate of Service by Mail Where Accused Resides in the Territory.

I hereby certify that on the day of, A. D. 18.., (not less than twenty days before trial,) I forwarded by mail (or other conveyance,) to Brother, the original citation, of which the within is a copy, together with an attested copy of the charges therein referred to, addressed to him at, Dakota, where he resides, being more than thirty miles distant from this □.

(Signed.)

[No. 10.]

Certificate of Service by Mail When Accused Resides out of the Territory.

I hereby certify that on the day of, A. D. 18.., (not less than thirty days before trial,) I forwarded by mail (other conveyance), to Brother, the original citation of which the within is a copy, together with an attested copy of the charges therein referred to, addressed to him at, in the state of, where he resides, being more than thirty miles distant from this □.

(Signed.)

CHAPTER FIFTH.

TRIALS AND ITS INCIDENTS.

Trials at special meetings.

SECTION 1. All trials (except for offenses committed in open □), shall be had in a □ specially notified and convened for that purpose, at which no visitor shall be admitted except as counsel or witness. The accused may select any brother for

his counsel. If he neglect or refuse to appear, Who may be counsel for accused. after due notice, the □ shall proceed to trial *ex parte*, the Worshipful Master having first appointed some brother to act as the attorney of the accused, and the proceedings shall be conducted to a final determination. If the accused appear by himself, or his attorney, he may plead Plea of accused. orally to the charges preferred. Such plea shall be either guilty or not guilty, and must be entered of record by the Secretary. But a failure or refusal to plead shall not operate to the prejudice of the accused. If the accused fail to appear, either personally or by attorney, the Worshipful Master shall order a plea of not guilty to be entered by the Secretary. All testimony shall be given in open □ at the time of the trial, or before Evidence given in open lodge or before committee. a committee specially appointed for that purpose, and, in either case, the accused and the accuser, if he be a Mason, shall be entitled to be present and propose such relevant questions as they may desire. The testimony must, in all cases be reduced to writing, and when taken before a committee, reported in full to the □. Testimony given by a Mason shall be upon his honor; that of Testimony reduced to writing. a profane, upon his oath, administered by an By a Mason on his honor. officer competent under the law. If the testimony be before the □, and by a profane, then, in that case, the □ must be called from labor during his introduction, and this must be shown in the minutes. By a profane on oath.

The record of the testimony of each witness may be commenced as follows:

A.... B...., a Master Mason, a witness on behalf of the accuser, (or accused, as the case may be,) on his honor testified as follows:

Or, C.... D...., a profane, a witness on behalf of the accuser, (or accused,) on his oath, duly administered, testified as follows:

In what
degree.

The □ must be opened in the highest degree to which the accused has attained, until the testimony has been concluded and the accused heard by himself or counsel in his defense, when the accused and the accuser (unless the charge be preferred by the Junior Warden in his official capacity), shall retire, and the □ be opened in the third degree, (if not already open in that degree,)

Deliberation.

when, after proper deliberation, the question, "Is the accused guilty or not guilty?" shall be distinctly put by the chair, and the same decided by ballot, two-thirds of all the votes cast being

Balloting.

required to convict. If there be several charges, the ballot shall be taken separately upon each, and the Secretary shall record the result thereof, which shall be the decision of the □. If the accused be found guilty, then the question shall be taken by ballot as to the amount and nature of the punishment to be inflicted, beginning with the highest penalty. Every member present is bound to vote, and two-thirds of the whole number cast shall be necessary to inflict the penalty. When the nature of the punishment has been determined, the accused, and the accuser, if a Mason, shall be ordered to return, and the sentence communicated to the former by the presiding officer. If the offense charged be a neglect to pay □ dues, and the accused fail to appear at the time appointed for trial, or should he appear and fail to give a satisfactory reason to the □ for his delinquency, he may be suspended by a vote of two-thirds of the members present. (Grand Lodge By-laws, section 45.)

Trial for non-
payment of
dues.

SEC. 2. Punishments are of three kinds:

1. Reprimand. 2. Suspension, which is always indefinite. 3. Expulsion. When the □ has voted reprimand, the Master shall immediately proceed to administer the reproof. If the punishment be

suspension, it shall remain until abrogated, as provided in chapter VI, of this code. If it be expulsion, it shall be submitted to the Grand □ at its next session for approval and confirmation, but shall not take effect until affirmed by the Grand □, but shall in the meantime operate as a suspension. The Secretary of the □ shall immediately notify the Grand Secretary, as provided in section 44 of the By-laws of the Grand □, and if it be expulsion, shall immediately certify to the Grand □, and forward to the Grand Secretary a transcript of all the proceedings had in the case, including the evidence taken. In no case shall the □ publish such punishment to the profane without the consent of the Grand □.

Suspension.

Expulsion.

Notice by
Secretary.

CHAPTER SIXTH.

RESTORATIONS.

SECTION 1. When a Mason is suspended for any cause whatever, he is, for the time of such suspension, debarred from all the rights and privileges of the order; and no dues shall be collected of him during the time of his suspension. Suspensions are indefinite,—that is to say, during the pleasure of the □,—and may be removed at any legal time in the following manner :

Consequences
of suspension.

The suspended brother shall petition the □ for his restoration, and the same proceedings as in the case of a brother applying for admission shall be required, but this rule does not apply to the case of suspension for non-payment of dues. In cases of suspension for non-payment of dues, the payment of the amount due at the time of his suspension, together with the expenses incurred in giving notice of the same, and a vote of two-thirds of all the members present, shall reinstate him. An expelled brother virtually ceases to be a Mason, and his restoration to the order is there-

How restor-
ed.

For non-pay-
ment of dues.

fore equivalent to the admission of a profane. He must, therefore, petition the □ from which he was expelled, and his petition take the same course as of an applicant for the mysteries of our order, when, if he be received, he shall be reobligated to the performance of every Masonic duty.

CHAPTER SEVENTH.

APPEALS AND GRAND LODGE PROCEEDINGS THEREON.

Who may appeal.

Action on sentences of expulsion.

When appeal taken.

Secretary to send up transcript.

Appeals must be in writing, and notice given.

SECTION 1. Every Mason under sentence of suspension or expulsion has the right to appeal from the sentence to the Grand □ of Dakota. All sentences of expulsion by subordinate □, not appealed from, are declared to be "affirmed by the Grand □," unless otherwise determined by it. (Grand Lodge By-laws, of section 44.) But the usual practice is to refer all such cases to the standing "Committee on Appeals and Grievances" for examination, and the Grand □ takes affirmative action on their report. The appeal must be taken before the session of the Grand □ next succeeding the sentence, and at least ten days before such session (when that time intervenes.)

In all cases of expulsion, whether appealed from or not, the Secretary of the □ must, immediately after the sentence, transmit to the office of the Grand Secretary a full transcript of the proceedings, together with the evidence taken in the case, (Grand □ By-Laws, Sec. 44.) No transcript should be sent up in cases of suspension, unless the sentence be appealed from. All appeals must be in writing, and the appellant must give the other party one month's notice thereof, unless a shorter time shall elapse between the date of the decision and the next communication of the Grand

□, in which case one week's notice will be sufficient. But the parties interested may waive the time of notice, (Grand □ By-Laws, Sec. 48.)

The notice of appeal shall be substantially in the form following :

[No. 11.]

Notice of Appeal.

To A.... B...., Junior Warden (or name of other accuser,) of'□, No...., A. F. and A. M.:

You are hereby notified that the undersigned hereby appeals to the Grand □ of Dakota from the decision and sentence of the above named □, rendered [here insert date of sentence,] against him on charges preferred by you for [here state nature of charges,] and that said appeal will be for hearing at the next annual communication of said Grand □. [Signed]

G.... H....,
Appellant.

This notice should be served on the appellee, and then filed with the Secretary of the □, who should note thereon the date of such filing. The service of notice of appeal may be proved in the same manner as is provided for proof of service of citation to appear for trial. The appellee may, in writing on the notice, acknowledge service thus :

Service of
notice of ap-
peal.

[No. 12.]

"I hereby acknowledge service of the within notice."
(Signed by the Appellee.)

Immediately upon an appeal being taken, the Secretary of the □ must make out and forward to the Grand Secretary an attested copy of all the proceedings in the case, including the testimony. Such transcript may be in the following form :

Secretary to
forward trans-
script.

[No. 13.]

Transcript on Appeal.

MASONIC HALL, (name of place,)

....., A. D. 18...

Transcript of
appeal.

Regular communication of □, No., A. F. and A. M. Present—(Here insert names of officers and members present.)

The □ was opened in form on the third degree, whereupon, among other proceedings, the Secretary read to the □ the following :

[Here copy the charges preferred.]

Thereupon the Worshipful Master appointed [here insert the time fixed,] for the purpose of the trial of said brother on said charges. And afterwards, to-wit : on the .. day of, A. D. 18..., I served (or caused to be served) on the accused an attested copy of said charges, and the following citation : [Here copy the citation.]

And afterwards, on the .. day of A. D. 18..., said citation was filed in my office with the following return of service thereon. [Here copy the certificate of service of citation as per forms No. 8, No. 9, or No. 10.]

MASONIC HALL, (name of place,)

....., A. D. 18...

Special communication of □, No. ..., A. F. and A. M. Present—(Insert names of officers and members present.)

The □ was opened in form on the third degree (or in the highest degree the accused brother has attained to.) The Worshipful Master stated the object of the meeting to be for the trial of Brother, on charges preferred. (Then let the record show whether the accused appeared by himself or by attorney, or if not, who was appointed to conduct his defense ; in short, all the facts of the trial, if then had ; and if not, to what time the

Facts all
shown in the
record.

same was continued. If the trial then proceeded, ^{Facts all shown in the record.} or when it did proceed, all the facts occurring on the trial should be concisely stated, and the evidence of each witness in full, balloting on the charges, the number of affirmative and negative ballots cast on each charge, and on the punishment, and the final result must appear in the record.) There being no further business the □ was closed in form on the third degree.

E.... F....,
Worshipful Master.

Attest: (name of Secretary.)

If the sentence is expulsion, and no appeal is ^{When no appeal taken.} taken, the Secretary must add his certificate and the seal of his □ to the transcript, and immediately forward the whole to the Grand Secretary.

If an appeal be taken, the transcript should ^{When an appeal is taken,} proceed thus :

And afterwards, to-wit: On the day of ... A. D. 18.., there was filed in my office the following notice of appeal:

[Here copy notice of appeal.]

On said notice of appeal is the following certificate of service thereof :

[Here copy service or acceptance of notice.]

The Secretary will then add his certificate in the following form :

HALL OF.... □, No. ..., A. F. AND A. M.,
....., 18...

I, E.... F...., Secretary of □, No. ..., A. F. and A. M., hereby certify that the above and foregoing is a true and correct transcript of the charges, proceedings had, and evidence given, in

the trial of the case of □, No., against Brother, on the charges above set out.

Given under my hand and the the seal of said
□ hereto affixed, this.... day of,
[SEAL.] A. D. 18.....

E.... F....,
Secretary.

Jurisdiction
of Grand Lodge
on appeal.

SEC. 2. In all cases of appeals to the Grand □, and in cases of expulsions where no appeal has been taken, the Grand □ has jurisdiction over the whole case, and may, upon investigation :

May affirm.

1. Affirm the finding and sentence of the subordinate □.

May dismiss.

2. It may dismiss the appeal, whereupon the sentence, if suspension, remains in full force ; if expulsion, it goes into immediate effect.

May reduce
sentence.

3. It may reduce the sentence from expulsion to that of suspension, in which case the original sentence becomes void, and that of the Grand □ is substituted.

May order
new trial.

4. It may set aside the proceedings for informality, and remand the case back for a new trial.

May remand
for review of
sentence.

5. It may set aside the punishment as inadequate, and remand the case for further consideration, in which case, the subordinate □ will review the sentence inflicting the punishment only, and not re-open the question of the guilt of the accused.

May reverse
decision.

6. It may reverse the decision of its subordinate, for good and sufficient reasons, and decree the restoration of the appellant to "the rights and privileges of Masonry," and to "membership in the □."

