



FRANK REED HORTON MEMORIAL LODGE NO. 379, F. & A. M.

UNDER THE JURISDICTION OF THE MOST WORSHIPFUL GRAND LODGE OF FREE AND ACCEPTED MASONS OF THE PHILIPPINES

Lecture No. 07 **PRIMER ON MASONIC TRIAL – Part I**

Series of 2010

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References: GLP Lawbook Part II – Ordinances and Masonic Trials by Henry Look

The current issues between a Master Mason and a Fellow Craft of this Lodge have induced me to lecture on this topic that the Brethren may be informed of the proceedings leading to a Masonic Trial to resolve these issues. This lecture is also in response to requests to come up with guidelines so that the procedures we shall apply adheres to Masonic practices and in accordance with the relative provisions of the GLP Law Book.

The following provisions of the GLP Constitution – Part II on Ordinances shall apply:

1. Article VI – Degrees and Affiliations, Sec. D, Sub-secs. 25-27.
2. Article XVII – Individual Masons – Membership, Rights and Obligations, Sec. 4
3. Article XVIII – Charges, Trials and Procedures
 - a. Sec. F – Relative to masons Individually, Sub-secs. 21-30
 - b. Sec. G – Trial Procedure, Sub-secs. 31-51
 - c. Sec. H – Reversals and Restoration, Sub-secs. 52-57

The Brethren may well look into and familiarize themselves with these provisions.

Should there be ambiguities in the GLP provisions, we shall be referring to other Masonic materials for guidance. The following Masonic information were based on the book “Masonic Trials...” by Henry Look who has consulted the principal works of Oliver, Morris, Mackey, Pike, Chase, Mitchell, Lockwood and Sickels:

Of the Offense

1. Violation by a Mason of his Masonic Obligations or of the established laws, usages and customs of the fraternity, every violation of the moral law, and every violation of the municipal law involving moral turpitude is a Masonic Offense subjecting offender, if convicted, to such lawful punishment as the tribunal having jurisdiction in the case shall adjudge.
2. Masonry will not recognize those offenses which are ecclesiastical or political in nature. She ignores all sectarian opinions and controversies and all questions of state policy.

3. Masonic tribunals do not assume, in any sense, to administer the public criminal code. Masonic Criminal Jurisprudence is based solely upon the peculiar laws and landmarks of the Masonic Institution, and upon that sublime system of morality given by God Himself.

Of the Tribunal

1. Ultimate judicial powers rest only in the Lodge or the Grand Lodge.
2. A Lodge must be regularly chartered and duly constituted, its officers elected and installed, in all respects a working lodge, before it can hear or determine a Masonic trial. Lodges under Dispensation have no judicial powers whatsoever.
3. Charges cannot be presented nor received, nor any proceedings taken in a Masonic trial at any other than a regular communication and the Lodge must be opened upon the highest degree to which the accused has attained.
4. Trial must begin at a regular communication; but after it is thus begun it may continue at a special communication called for that purpose considered only as a continuation of the regular.
5. Presence of visitors is not permitted during any portion of a Masonic trial, and certainly not during consideration and discussion of the charges.
6. No business of a general or legislative character should be introduced while the trial is under immediate consideration.
7. WM presides at the trial. His prerogatives extend to all incidental matters, but the merits must be left to the main body of the court, namely, the lodge.
8. The WM has the right to appoint all committees, commissioners or counsels that may be required in the course of the trial and to preside at all meetings of said appointees. The accused may, in person or by his counsel, object to any appointments so made, and the WM shall decide upon the sufficiency of such objection.
9. The tribunal must consist solely of MMs; and from this rule there can be no departure.
10. The WM may call any PM temporarily to chair to chair during a trial, and such brother, while in the chair, may exercise all the powers of the WM; he being considered, during that time, the immediate agent of the WM.

Of the Jurisdiction

1. The penal jurisdiction of a lodge is that power which it constitutionally possesses to take judicial cognizance of Masonic offenses, and to prosecute and to punish for the same. This jurisdiction is two-fold; territorial and personal. *Territorial jurisdiction* is bounded by the geographical boundaries between two contiguous lodges where a lodge has penal jurisdiction over ALL Masons within its limits. *Personal jurisdiction* extends to every one of its members, whithersoever dispersed.

2. A Lodge has the same jurisdiction over EAs and FCs that it has over MMs. Every lodge of MMs has authority over all the degrees which it has power to confer; and as it makes EAs and FCs, it may, upon sufficient cause, try and expel them.
3. Masonry has no judicial cognizance of acts or offenses of a Candidate committed before his initiation. If, after his initiation, he demeans himself worthily and honorably, Masonic charity veils the past and rejoicingly aids in his reformation.
4. There are 3 ways by which a Mason can be placed beyond the reach of Masonic discipline; namely, by death, by insanity (which is mental death) and by expulsion.
5. It is a fixed principle of Masonic law that there is no Masonic wrong without a Masonic remedy. That remedy consists in prosecution and punishment for the wrong committed. The first step in the prosecution is the preferring of charges.

Of the Charges

1. The charges (or every portion thereof proper to be written) must always be made in writing, signed by the accuser, filed with the secretary of the lodge, and read by that officer at the next regular communication after such filing.
2. The offense must be charged with clearness and certainty, and time, place, persons and particulars must be distinctly specified; for every defendant is entitled to know with definiteness the nature and substance of the accusation against him, in order that he may prepare for his defense.
3. A general charge of unMasonic conduct, without specifications ought not to be entertained by the WM. A loose, vague and general charge ought not to be received in writing. If the case appears one of probability, the WM may direct that proper charges be preferred.
4. Mere oral charges can never be received in any case.
5. After the charges have been read by the Secretary they become the property of the lodge, and they cannot thereafter be amended either in word or in spirit except upon consent in open lodge, and with the full knowledge and consent of the accused. It is far better, if the charges be materially defective, to begin the prosecution *de novo*, by the filing of new charges, than exercise any doubtful powers of amendment.
6. The ruling of the WM, however erroneous, is law for the time being; but in the case of review upon appeal to the GL, a vast amount of trouble and inconvenience might result from his not being sustained.
7. Charges for offenses committed while the lodge is at labor should be introduced by the SW; those offenses committed at any other time, by the JW; but should either Warden neglect to introduce the charges, they may be introduced by any member of the lodge in good standing.
8. If the charges are introduced by either of the Wardens, they should sign them in their official capacity.

9. The WM has the right, after charges are preferred in writing, and after examining them carefully to declare them insufficient, and refuse to proceed to trial upon them. He ought not to entertain frivolous charges, or such as do not show clearly, if proven, a Masonic offense. If he has doubt as to the sufficiency or competency of charges, it is proper for him to take the opinion of the lodge upon the subject by a vote; but such opinion is merely advisory, and is of no legal force upon the WM, who is alone responsible in the premises. He is acting as the presiding head of the tribunal.
10. All names should be written in full, if known. Specifications should be added for each separate state of facts constituting a Masonic offense, with reasonable certainty as to time, place, and other particulars.
11. The charges and specifications having been filed with the Secretary, and read by him at the next regular communication thereafter, a true copy thereof is to be served upon the accused, together with a summons requiring him to appear and answer. A resolution to that effect having been duly passed, it is the duty of the Secretary to make the copy and issue the summons; which summons may be made returnable at any subsequent regular communication, as the lodge may determine.
12. Summons and copy may be served by any MM, but it is common practice for the Secretary to make the service, unless there are reasons to prevent. The service must be made at least 10 days prior to the day of the trial (or return) mentioned in the summons, and a written certificate of such service, specifying the time and place thereof, should be filed by the person making the same. If the charges and summons are served by the Secretary, he should execute the same certificate of service in his official capacity.
13. The service must be personal if the residence of the accused is known to the Secretary, or can be found upon due inquiry; but if his residence is not known, or cannot be ascertained, then the service may be at his last known place of residence.
14. The accuser may choose any MM as his counsel, to assist in prosecution. If he does not appear, or chooses no counsel, the WM may appoint such counsel in his discretion; which counsel must be a MM in good standing.
15. The status of a Mason under charges is not affected until after sentence. He is presumed to be innocent until proven to be guilty; and he may when applicable, at all times before the passing of sentence, vote on all matters not involved in the charges and specification pending against him.

More information will be shared as the resolution of issues progresses.