



Scientia Coronati Research Lodge No. 4 F&AM

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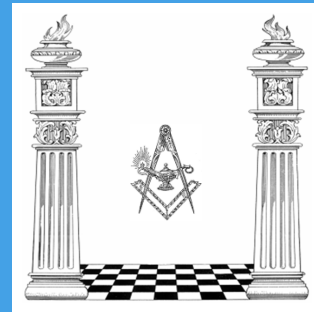
# Essays, Papers & Articles

**Masonic Topics**

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## And the Earth was without

form and void, and darkness was upon the face of the deep. And the Spirit of God moved upon the face of the waters, and God said, 'Let there be light'



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**Principles of Masonic Law:**  
Pros & Cons on its Constitutional Laws, Usages and Landmarks of Freemasonry

Presented to

Scientia Coronati Research Lodge No. 4 F&AM

September 21, 2012

By  
Stan Martin, 32°

Based on: Dr. Albert G. Mackey's Writings of 1856  
For: Scientia Coronati Research Lodge #4

In presenting these ideas and comments to the Brethren and guests of Scientia Coronati's September 2012 Stated Meeting, I want to acknowledge that the focus of this presentation is derived from Albert Mackey's writings of **1856**. It is not intended to portray every question that can probably arise in the transactions of a Lodge but will emphasize some of the more thought provoking aspects of Masonic jurisprudence. My idea is to offer a simple explanation intended to make each of us reflect about how these laws affect us. Do we accept what has been handed down for generations or do we challenge historic opinions so they fit better in our modern society? If so, are we then losing sight of our original principles? Do we really want to do that? I value what we have been and that we should still be an elitist fraternity. By modifying the Principles handed down to us over many centuries are we diluting that doctrine with the intention of becoming just another service organization? Is that what we desire? Are we going to deny those sanctions of antiquity with our universal acceptance? Do we want that gigantic burden on our shoulders? Keep in mind there are two kinds of laws: The first is the written law and the second is the unwritten law.

SIDE NOTE: To quote Dr. Mackey: "Of all Masonic literature (this subject) is the most tedious in its details – in the task of composition, the most laborious".

My comment: To comprehend this subject one does not have to be a lawyer to understand Masonic law. In fact, one is better off if not being a member of the Bar. Masonic Law should never be confused with civil law. The former is concerned only with justice; the latter concerns itself more often with who can present the best argument.

## HISTORICAL OUTLINE

Dr. Mackey has written that the first historical notice we have of the formation of a supreme controlling body of the fraternity is in the “**Gothic Constitutions**” which assert that in the year **287**, St. Alban, the protomartyr of England, who was a zealous patron of the craft obtained a charter for the Masons to hold a general council and gave it the name of “Assembly”. **I DID NOT KNOW OUR HISTORY WENT BACK TO 287**. The record further states, that St. Alban attended the meeting and assisted in making Masons, giving them good charges and regulations. We know not however, whether this Assembly ever met again, and if it did, for how many years did it continue to exist. The subsequent history of Freemasonry is entirely silent on this subject.

NOTE: The Gothic Constitutions are that code of laws which was adapted for the General assembly at York in the year **926**. Portions have been used by Anderson, Preston and other writers. These are also called the Old York Constitutions since they were enacted in the City of York. This was then recognized as the fundamental law of Freemasonry.

There are some records of meetings held in **1425**, **1434** and in **1561** when Queen Elizabeth who was suspicious of their secrecy sent an armed force to dissolve the meeting. A copy is still preserved of regulations which were adopted in **1663** on the festival of St. John the Evangelist.

The next general assemblage was later because the Ashmole manuscript was destroyed at the revival of Freemasonry in **1717**, when a new organization of the governing head was adopted which gave birth to the establishment of a Grand Lodge. This began after the death in **1702** of King William who was a Mason and a great patron of the Craft, the institution began to languish, the lodges decreased in number and though a few old lodges continued they consisted of only a few members.

**I BRING ALL THIS UP TO SAY THAT WHEN WE CONSIDER MODIFYING ANY OF THE CURRENT TENETS BASED ON THIS ANCIENT HISTORY – ARE WE IN FACT REWRITEING HISTORY DILUTING FREEMASONRY OF ITS MYSTIQUE?**

**PROVIDED ALWAYS THAT THE OLD LANDMARKS BE CAREFULLY PRESERVED** by the Brethren, in writing, even of the youngest Entered Apprentice, the Brethren are assured that any changes to be absolutely necessary in order to make the same obligations. **I THINK THIS NEEDS TO BE TAKEN SERIOUSLY. A CHANGE FOR THE SAKE OF MAKING A CHANGE IS IN EFFECT DETRIMENTAL TO THE HEART OF FREEMASONRY. I ACCEPT THAT WE NEED IN SOME AREAS – POSSIBLY COMPUTERS – TO BE MORE “MODERENIZED” BUT CLEAR THINKING MUST BE THE MANDATE PRIOR TO ANY CHANGE - AND TRANSPERANCY OF THAT CHANGE IS PARAMOUNT.**

There was a time the rules included “no Freemason chosen into any office can refuse to serve (unless he has before filled the same office) without incurring the penalties established by the bye-laws.” **HAVE WE BECOME TOO LENIENT IN MODERN TIMES? MANY OF US HAVE REFUSED AN OFFICE DUE TO ONE REASON OR ANOTHER....SOME VALID; SOME NOT. SOME DUE TO HEALTH, SOME DUE TO BING TOO BUSY. SOME DUE TO FAMILY DEMANDS. SOME DUE TO LAZINESS. IS THIS A RULE WE SHOULD PERHAPS RE-INITIATE? HOW MANY TIMES DURING OUR MASONIC YEARS HAVE WE HASTENED TO JUGGLE OFFICES OR PUSH FORWARD THOSE WHO MAY NOT HAVE BEEN READY - DUE TO BROTHERS REFUSING TO HOLD OFFICE.**

**IT IS ALSO INTERESTING TO NOTE THAT NO OFFICER CAN RESIGN HIS OFFICE AFTER HE HAS BEEN INSTALLED. EVERY OFFICER IS ELECTED FOR TWELVE MONTHS AND AT HIS INSTALLATION SOLEMNLY PROMISES TO PERFORM THE DUTIES OF THAT OFFICE UNTIL THE NEXT REGULAR DAY OF ELECTION; AND HENCE THE LODGE CANNOT PERMIT HIM BY A RESIGNATION, TO VIOLATE HIS OBLIGATION OF OFFICE. OF COURSE, IN MODERN TIMES SOME ONE MAY RELOCATE DUE TO A COMPANY TRANSFER OR FAMILY SITUATION OR HEALTH REASONS BUT HAVE WE HAD OFFICERS QUIT FOR OTHER REASONS? THE ONLY EXCEPTION MIGHT HAVE BEEN THAT AN OFFICE CAN BE VACATED ONLY BY DEATH, PERMANENT REMOVAL FROM THE JURISDICTION OR EXPULSION. SUSPENSION DOES NOT VACATE, BUT ONLY SUSPENDS THE PERFORMANCE OF THE DUTIES OF OFFICE WHICH MUST BE TEMPORARILY DISCHARGED BY SOME OTHER PERSON.**

### **COURTESY**

A member may be called to order by any other while speaking, for the use of any indecorous remark, personal allusion or irrelevant matter; but this must be done in a courteous and conciliatory manner. No Brother is to be interrupted while speaking, except for the purpose of calling him to order, or to make a necessary explanation; nor are any separate conversations, or, as they are called in our ancient charges, "private committees" to be allowed.

**I WAS ATTENDING A LODGE IN ANOTHER STATE WHEN THE SPEAKING BROTHER STOPPED AND CHASTISED ME FOR SITTING ON THE SIDE LINE WITH MY LEGS CROSSED EXPLAINING (AND EMBARRASING ME) THAT I WAS BEING DISRESPECTABLE TO THE PROCEEDINGS. IS THIS THE TIME AND PLACE FOR SUCH A REPRIMAND? IS IT EVEN TRUE?**

**SIDE NOTE:** SCRL June 15, '12 newsletter #1087 stated the following:  
"When occupying an officer's chair in the lodge, both feet should be firmly planted flat on the floor; hands are to be on the arms of the chair or on the legs; - the legs, ankles and arms should not be crossed."

**I ATTENDED A LODGE MEETING IN THIS STATE; A CITY OTHER THAN PRESCOTT WHEN A BROTHER JUST PRIOR TO ATTENDING TO THE BALLOT BOX THUMBED HIS NOSE AT THE MASTER RATHER THEN GOING THROUGH THE PROPER DUE GUARD & SIGN. GRANTED – I AM SURE THIS WAS DUE TO THE FAMILARITY OF THE TWO BROTHERS; HOWEVER, IT CONFIRMED TO ME THAT FAMILARITY BREEDS COMTEMPT. PERHAPS THE OTHER BROTHERS OF THAT LODGE THOUGHT IT AS “CUTE” BUT AS A VISITOR I FOUND IT APPALLING. AS A MASON I FOUND IT INEXCUSABLE, ATROCIOUS AND A MASONIC OFFENSE.**

### **DISCIPLINE**

Freemasonry differs from all other institutions, in permitting NO appeal to the Lodge from the decision of the presiding officer. The Master is supreme in his lodge. In deciding points of order as well as graver matters, no appeal can be taken from that decision to the Lodge. If an appeal were proposed, it would be his duty, for the preservation of discipline, to refuse the question.

My comment: For the sake of discipline this is justifiable; however, for the sake of fairness is it indeed...fair?

Albert Mackey suggests there is also The Law of Individuals and I quote Dr. Mackey:

*“Passing from the consideration of the law, which refers to Masons in the congregated masses, as the constituents of Grand and Subordinate Lodges, ...there is the law of individual capacity, whether of their Masonic life, as candidates for initiation, or in the gradual progress through each of the three degrees, for it will be found that a Mason, as he assumes new and additional obligations, and is presented with increased light, contracts new duties, and is invested with new prerogative and privileges.”*

This also pertains to laws of the qualifications of candidates which includes the following per Dr. Mackey:

*“Physically, he must be a man of at least twenty one years of age, upright in body, with the senses of a man, not deformed or dismembered, but with hale and entire limbs as a man ought to be.”*

This brings several comments to mind.

Let's say the candidate fulfills all the physical requirements. But also state hypothetically that the Mason goes off to war as required by his citizenship within his country. During battle he is wounded and an amputation or multi-amputations are required. Obviously, this Mason is now deformed and/or dismembered. Should that Mason now be expelled from Freemasonry? Or let's say that Mason/Soldier has received prosthetic limbs. Does this then fulfill the requirements of the physical mandate of Masonic Law? Being an amputee must (I would think) affect that individual's sanity. If for the worse....does this then affect his Masonic foundation? On the flip side....that Mason may actually become stronger for his physical disability...can that be judged? Who is that Judge?

Moral, physical and political qualifications or beliefs are more easily ascertained than the intellectual quotient. We do not know what goes on in that man's mind - so as long as there are no blatant symptoms of non-Masonic beliefs then there should be no judge and jury.

Back to the Physical qualifications. As we know the physical qualifications of a candidate refers to his sex, his age and the condition of his limbs. Of course, I am reminded of the phrase "an old man in his dotage" but perhaps dotage signifies imbecility of mind so this subject should be more properly considered under the heading of intellectual qualifications. My point here is that one thing leads to another and to another, et cetera.

Dr. Mackey explains that physical qualifications refer to the condition of the candidate's body and limbs and goes on to state that the regulation contained in the old charges of **1721** which requires the candidate to be a perfect youth has in some jurisdictions been rigidly enforced to the very letter of the law while in others it has been so completely explained away as to mean nothing at all. Even as far back as **926** in the fifth article of the Gothic Constitution it is stated: "A candidate must be without blemish, and the full and proper use of his limbs; for a maimed man can do the Craft no good".



In the **Ohio, Masonic Code**, 1914, Pages 10 & 11, gives the following decisions: “A person who has lost a hand, an arm, a foot, a leg or is deficient in any of his limbs or senses, cannot be made a Mason....Seeing and hearing are two of the most important qualifications of an applicant for initiation and if he is unable to hear ordinary qualifications he is disqualified...an applicant for degrees being blind in one eye but otherwise eligible and would not because of such defect alone be rendered disqualified to receive the degrees of Freemasonry.

In **Maine** “the deformity is not such as to prevent him from being instructed in the arts and mysteries of Freemasonry”. This is mentioned in detail in **1663** and then in **1683** there were further definitions. In **1723** more dialogue and it continues on to this day. So, I’ve gone from a Master Mason wounded in war or an accident to a candidate having the same problem. So we Master Masons – how do we interpret “perfection” and how do we interpret the word “defect”? I mentioned prosthetics before but I should mention here that in a regulation of **1683** says in explicit terms, that the candidate must “*have his right limbs as a man ought to have*”. One more thought for you to digest: What about the guy a few years ago caught in a landslide. The only way he could get himself loose was to cut off his arm. My question is what if a loss of limb is self-inflicted?

The title of this presentation is **The Principles of Masonic Law**. What are Masonic crimes? Simply put the division of wrongs, by the writers on municipal law, into private and public, or civil injuries and crimes and misdemeanors, does not apply to the jurisprudence of Freemasonry. Here all wrongs are crimes because they are a violation of the precepts of the institution; and an offense against an individual is punished, not so much because it is a breach of his private rights, as because it affects the well-being of the whole Masonic community.

I’ve gone on long enough but I would like to make a separate presentation at some future stated meeting on the subject of Masonic punishments...of censure, of reprimand and of exclusion from the Lodge. Also to further define “definite suspension” and “indefinite suspension”. I might go into Masonic trials; its format and evidence. Appeals and Restoration would be incorporated. There is so much to this subject.

Thank you Brethren for your indulgence and participation and my thanks to our Master for permitting me to research and deliver this presentation.

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