

Brethren,

STRICTLY PRIVATE and CONFIDENTIAL

Further to our meeting this evening, I thought it might be useful for the "Cabinet" to have the considerations of Will, Raymond and me recorded in a typewritten form which can be easily reproduced for the benefit of all the Brethren at the meeting tomorrow.

I trust that this is not presumptuous on my part and, if there is any matter which I have misunderstood or recorded inaccurately, please let me know or make the appropriate amendment.

I preface my comments with the observation that I cannot discover, nor has it been drawn to my attention or the attention of Will and Raymond, whether or not the MW Grand Master and the RW Provincial Grand Master have power and authority to override the Laws and Constitutions and/or the by-laws of Provincial Grand Lodge.

Indeed, it occurs to me that such a situation where the higher officers of the Order can disregard its regulations, seemingly at will, would be – in my opinion – un-Masonic and an entirely unsatisfactory arrangement for the Order in general. This would run contrary to the principle of fraternal equality which is always to be found within the Order.

Furthermore, given the particular circumstances of this case, it cannot be considered appropriate that any of the rules of the Order are subverted by the exercise of the prerogative of one or two of its officers.

1. The MW Grand Master directed on 28th February 2009 that:

"...I have now decided that I will exercise my authority and publicly direct the RW Provincial Grand Master to promptly arrange an emergency meeting of the Provincial Grand Lodge Board of General Purposes. Its purpose would be to consider the present unfavourable situation and make recommendations to Provincial Grand Lodge. Only official lodge representatives will be admitted to the PGLBGP and proxies will be excluded on this occasion.

"In the meantime, no discussion of the above arrangements will be permitted at this communication today until the will of the Provincial Grand Lodge is known at a subsequent communication of PGL.

"Recommendations from PGL will then be submitted to the Grand Lodge Board of General Purposes and subsequently to Grand Lodge. The Grand Lodge ruling will then prevail and Provincial Grand Lodge [will be] advised."

2. Pursuant to these directions, the Provincial Grand Lodge convened an emergency meeting of the Board of General Purposes on 18th March 2009.

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3. The notice convening the BGP meeting stated that the officers of PGL would be excluded from the meeting.
4. By-law 34 (a) of the by-laws of PGL states, however, that the officers of PGL are ex-officio members of BGP.

It would therefore appear that the exclusion of the PGL officers was contrary to by-law 34 (a). If PGL officers could not – or chose not – to attend could have sent apologies for their absence.

I can see no by-law dealing with the improper convention of a BGP meeting and one can only assume that the situation has never arisen before and is unlikely to again.

In any event, the corollary of the exclusion of specified members of BGP who are by right entitled to attend its meetings is that the meeting is void *ab initio* and must be regarded as a nullity.

5. Further, by-law 34 (c) of the by-laws permits lodge representatives to BGP to appoint a proxy if they are unable to attend. This permission was revoked for the purposes of the BGP meeting on 18th March 2009. Again, I can find no provision authorising such dispensation.

I would reiterate my comments at paragraph 4, above, regarding the questionable status of the BGP meeting.

6. At the BGP meeting, a vote (by show of hands) was passed to the effect that three Brethren in the Province should be censured.

For censure to be passed, it must be assumed that the three Brethren were guilty of un-Masonic conduct. I have not been advised that any formal finding of un-Masonic conduct has been made in respect of any of the Brethren.

Law 35 of the Laws and Regulations deals with charges of un-Masonic conduct against Brethren.

It provides that:

- * ~~a. a charge must be referred *in writing*;~~
- b. the charge must be referred directly to PGLBGP;
- c. the charge must then be sent to the VW Provincial Grand Secretary and the RW Grand Secretary;
- d. PGLBGP must then decide whether or not there is a *prima facie* against the Brother so charged;
- e. if PGLBGP decides that a *prima facie* case does exist, a summons must then be sent to the Brother so charged which must specify:
 - i. where and when the charge is to be heard;
 - ii. include a copy of the charge; and
 - iii. be served personally or by registered post; and

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- iv. give at least 7 days notice of the hearing of the charge;
- f. at hearing, PGLBGP must decide:
 - i. whether or not the charge has been proved;
 - ii. the appropriate penalty; and
 - iii. whether or not there are any other relevant factors;
- g. PGLBGP must then provide its report to GLBGP and the same will be submitted to Grand Lodge who shall punish, reprimand or acquit the Brother charged;
- h. the MW Grand Master, his Deputy or Assistant may prohibit any Brother charged from attending Masonic meetings; and
- i. the Brother charged has a right of appeal.



With regard to sub-paragraph (a), no charge has been laid against any of the three Brethren in writing and the vote taken at PGLBGP must also be regarded as void.

Sub-paragraphs (b) to (g) have not been followed because of the lack of formal charge and sub-paragraphs (h) and (i) are not yet relevant in the particular circumstances of this case.

The failure to strictly follow Law 35 would, on appeal to Grand Lodge, almost without doubt result in the decision of PGLBGP to censure the three Brethren being overturned.

7. A further secret ballot was then taken to determine the penalties which the three Brethren were to suffer. Four options were available, namely (i) expulsion, (ii) suspension, (iii) suspension at the MW Grand Master's pleasure, and (iv) reprimand. Most votes were cast for suspension at the MW Grand Master's pleasure.

I will not deal with the effect of the penalty of "suspension at the MW Grand Master's pleasure." The Provincial Grand Registrar has highlighted the propriety or otherwise of this penalty.

In any event, by-law 36 states that, "All questions shall be decided by a majority of votes." The number of votes cast against the three Brethren for their suspension at the MW Grand Master's pleasure was 45, 42 and 43 respectively. 136 Brethren were present at the meeting.

A simple majority (50%) of the votes cast does not exist in respect of the method of censure proposed. It therefore fails to adhere to PGL's by-laws and must be disregarded.

Please note that the Laws and Regulations and by-laws quoted above have been, in some cases, paraphrased by me and that the Laws and Regulations and by-laws should be consulted directly to ensure their accuracy and their proper application and interpretation.

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At present, in order to try to avoid any further unnecessary animosity arising in this case, Will, Raymond and I are of the opinion that the PGLBGP meeting of 18th March 2009 and the decisions made at it should be disregarded in their entirety.

We consider that the MW Grand Master should be informed of the present position in this dispute as soon as possible. I am happy for the foregoing report to be provided to him in order that he can appreciate the reasons for the recommendations we have made. Of course, if the MW Grand Master has power and authority to override the Laws and Constitutions of Grand Lodge and/or the by-laws of Provincial Grand Lodge, many of my comments become entirely academic.

I also wish to make it clear that no criticism is made of any of the officers involved in trying to implement what was ultimately a sensible and genuine endeavour to restore Peace, Love and Harmony to the Provincial Grand Lodge of Antrim but which unfortunately – so far as I can assess on the basis of the information before me at present – is outside the powers conferred on them the Laws and Constitutions of Grand Lodge and/or the by-laws of Provincial Grand Lodge.

I will be happy to discuss this matter with any of the Brethren involved in this process.

Yours fraternally,

James

PGLA COMPLAINT COMMITTEE
APPOINTED 29/9/2008

3 MEMBERS:

JIM WILSON ML 775 SOLICITOR

WILL GUACT ML 178 RETIRED BANK MAN.

RAYMOND MARK ML 502 RETIRED
LABOUR RELATIONS

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