Jurisprudence and Digest

DER

Standing Regulation

 2-14

74. Resolved. Whereas the Maine Masonic Textbook, which has long been accepted by the Grand Lodge of Maine, and whereas this august body did accept the revised edition of such textbook at the Grand Lodge Session of 1960 which contained Mackey’s 25 Ancient Landmarks, it shall therefore continue to print this list of Ancient Landmarks and that they shall be included in every printing hereafter, along with the 7 Ancient Landmarks of Roscoe Pound.

And, whereas the subject of Landmarks is so controversial, and whereas no two men could agree on a number to be accepted; Be it known that this Grand Lodge believes in the words of our esteemed Past Grand Master and renowned authoritarian on Masonic Jurisprudence, M.W. Josiah Hayden Drummond, when he wrote concerning the decision of the Grand Lodge of England in 1723:

This is an expressed recognition that there are “Ancient Rules” which the Grand Lodge has no power to “break in upon” by amendment or explanation. These “Rules” are the “Ancient Landmarks”, deemed by almost all the Craft as unchangeable; it is true that some, viewing Masonic government from a modern stand-point, deny their existence, some because these “Ancient Rules” springing from ancient usages cannot be codified as a complete code any more than that all the usages of the Craft can be enumerated.

Therefore, this Grand Lodge does not “accept” nor “deny” any Ancient Landmark, but leaves them there for future Grand Masters and the brethren of this Grand Jurisdiction to view with their own sense of integrity.

Our study indicates that there are three methods of trying to identify Masonic Landmarks: 1- the Drummond Method, 2- the Mackey Method, 3- the Pound Method.

# The Drummond Method – Non-codification

Josiah Hayden Drummond (1827-1902), was a Grand Master of the Grand Lodge of Maine. He prepared the original edition of the Maine Masonic Textbook in 1877, known first as the Textbook of Masonic Jurisprudence and frequently referred to as Drummond’s Monitor. Drummond’s list of the sources of Masonic law identifies the Ancient Landmarks as our highest and most fundamental law.

1. The Ancient Landmarks
2. The Ancient Charges
3. The Old Regulations
4. The Constitution of our Grand Lodge
5. The Regulations and Decisions of our Grand Lodge
6. The Uses and Customs of the Fraternity
7. The Bylaws of the Lodge

# Mackey’s Method – a Comprehensive Codification

Albert Gallitin Mackey (1807-1881), in contrast to the common law method recommended by Drummond, employed a method found in civil or continental law which favors comprehensive and detailed codification.

Mackey presented an interesting and scholarly analysis of the Landmarks, but it was only his personal interpretation. Mackey’s version of the Ancient Landmarks first appeared in the Maine Masonic Textbook in 1923.

# The Pound Method – A Non-comprehensive Codification

Roscoe Pound (1870-1964), a Dean of Harvard Law School, was an active Mason, having served as Deputy Grand Master of the Grand Lodge Of Massachusetts and was honored by being made Honorary Past Grand Master of the Grand Lodge of Nebraska. Pound offers a different approach. He agrees with Drummond that no comprehensive codification is possible but he agrees with Mackey and believes that it is possible to definitely agree on some basic essential Landmarks. He identified 7 Landmarks that were fully supported and so universally accepted by regular Masons everywhere that they could be safely identified as Landmarks. He concluded that this was not an exclusive list and that time might reveal further Landmarks.

His non-exclusive list, written in the early 1900’s, we have put into contemporary language as follows:

1. Belief in God
2. Belief in the immortality of the soul
3. A Volume of Sacred Law as an indispensable part of the furniture of a Lodge
4. The legend of the Third Degree
5. The symbolism of the ancient art of Stonemasons
6. The confidentiality of the modes of recognition and the degree experience
7. That a Mason must be a free, male adult

The Grand Lodge of Massachusetts, our Mother Jurisdiction, adopted this list with the strong advocacy of M.W. Melvin Johnson, Dean of the Boston University Law School, Grand Master of the Grand Lodge of Massachusetts and who also served a term as Sovereign Grand Commander, A.A.S.R. of the Northern Masonic Jurisdiction of the United States.

This concise listing of Landmarks (Pound’s) is the most commonly accepted listing of Landmarks in the world today.

# Sources of Masonic Law- Mackey’s Ancient Landmarks

DER – A Landmark is a law or custom of the Fraternity that has existed “from a time whereof the memory of man runneth not to the contrary.” If a Landmark was originally enacted as a law, the time when, as well as the fact of the enactment, are not know. All we can know is that it is a law or a custom that has existed from time immemorial. It has been said that the Landmarks are the unwritten law of Masonry. This is not correct. Landmarks are found in the Ancient Charges. The only evidence that some customs are Landmarks is the fact that they are mentioned as such in the earliest publications in relation to Freemasonry.

 The Landmarks cannot be repealed or changed. That they are sometimes infringed upon is true. Any enactment in violation of a Landmark is void, by whatever authority it is made. All Masons agree in this: and the practical difficulty is that one denies that to be a Landmark which another affirms is one.

**Brother - 1**

 **The Ancient Landmarks sound very important. How are they recognized?**

Brother – 2

1 - The modes of recognition are, of all the Landmarks the most legitimate and unquestioned. They admit of no variation and if ever they have suffered alteration or addition, the evil of such a violation of the ancient law has always made itself subsequently manifest.

**Brother – 1**

 **Masonic degrees number in three. How is it they came about and has the number always been three?**

Brother – 2

2 - The division of symbolic Masonry into three degrees is a Landmark that has been better preserved than almost any other. Although innovation has left its traces, and, by the disruption of its concluding portion of the third degree, a want of uniformity has been created in respect to the final teaching of the Master’s Order; and the Royal Arch of England, Scotland, Ireland and America, and the “High Degrees” of France and Germany, are all made to differ in the mode in which a Brother is lead to the great consummation of all symbolic Masonry. In 1813, the Grand Lodge of England vindicated the Ancient Landmark, by solemnly enacting that ancient Craft Masonry consisted of the three degrees, of Entered Apprentice, Fellow Craft and Master Mason, including the Holy Royal Arch. But the disruption has never been healed, and the Landmark, although acknowledged in its integrity by all, still continues to be violated.

**Brother – 1**

 **I’ve been curious about the Legend of the third degree. Is this part of the degree the same throughout Masonry around the world?**

Brother - 2

3 - It is understood that the third degree is an important Landmark, the integrity of which has been well preserved. There is no rite of Masonry, practiced in any country or language, in which the essential elements of this legend are not taught. The lectures may vary, and indeed are constantly changing, but the legend has ever remained substantially the same. It is necessary that it should be so. The Legend of the Temple Builder constitutes the very essence and identity of Masonry. Any rite that excludes the Legend, or materially alters it, would at once, by that exclusion or alteration, cease to be a Masonic rite.

**Brother – 1**

 **Who is our “head officer’ and how is he elected?**

Brother – 2

4 - The Grand Master is our commanding officer, and is elected by the Craft. Some suppose that the election of the Grand Master is held in consequence of a law or regulation of the Grand Lodge. This is not the case. The office is indebted for its existence to a Landmark of the Order. Grand Masters, or persons performing the functions under a different but equivalent title, are to be found in the records of the institution long before Grand Lodges were established. If the present system of legislative government by Grand Lodges were to be abolished, a Grand Master would still be necessary.

**Brother – 1**

 **What are the prerogatives of the Grand Master on meetings and doings of the Craft?**

Brother – 2

5 - It is the Grand Master’s prerogative to preside over every assembly of the Craft, wheresoever and whensoever held. It is in consequence of this law, derived from ancient usage, and not from any special enactment, that the Grand Master assumes the chair at every communication of the Grand Lodge; and that he is entitled to preside at the communication of every subordinate Lodge, where he may happen to be present.

(MMTB- The Old Regulations- I. pg. 186)

**Brother – 1**

 **Can the Grand Master determine when degrees are conferred?**

Brother – 2

6 - The prerogative of the Grand Master to grant dispensations for conferring degrees at irregular times is another and very important Landmark. The statutory law of Masonry requires a month, or other determined period, to elapse between the presentation of a petition and the election of a candidate. The Grand Master has the power to set aside or dispense with this probation and allow the candidate to be initiated at once. This prerogative he possessed before the enactment of the law requiring a probation, and as no statute can impair his prerogative, he still retains the power. (MMTB- The Old Regulations- V. pg. 188)

**Brother – 1**

 **Can a certain number of Masons form a Lodge to meet and confer degrees if the Grand Master gives permission?**

Brother – 2

7 - The prerogative of the Grand Master to give dispensations for opening and holding Lodges is another Landmark. He may grant, in virtue of this, to a sufficient number of Masons, the privilege of meeting and conferring degrees. The Lodges thus established are called “Lodges under dispensation.”

**Brother -1**

 **I’ve been told that the Grand Master can make a man a Mason on the spot. Is this true?**

Brother -2

8 - The prerogative of the Grand Master to make Masons at sight is a Landmark closely connected with the preceding one. There has been much misapprehension in relation to this Landmark, which misapprehension has sometimes led to a denial of its existence.

DER

 This has never been a part of Masonic Law of Maine, or part of Masonic Law of Massachusetts, our Mother Jurisdiction, nor has it ever been a part of the Masonic Law of the United Grand Lodge of England, its Mother Jurisdiction. In this item as in several others, Mackey shows a bias in favor of enhancing the authority of Grand Masters beyond what is included in our Constitution or in the Constitution of most other Grand Jurisdictions. (Source- Standing Regulations- Committee On Landmarks- sec 2-16)

**Brother -1**

 **It is well known that Masons meet in buildings, known as Lodges, set up for their use. Is this one of the Ancient Landmarks?**

Brother -2

9 - The necessity for Masons to congregate in Lodges is indeed a Landmark. However it is not to be understood that any ancient Landmark has directed the permanent organization of subordinate Lodges, which is one of the features of the Masonic system as it now prevails. The Landmarks of the Order always prescribed that Masons should, from time to time, congregate together for the purpose of Operative or Speculative labor, and that these congregations should be called Lodges. Formally, these were extemporary meetings called together for special purposes, and then dissolved, the brethren departing to meet again at other times and places, according to the necessity of circumstances. Now warrants of constitution, bylaws, permanent officers and annual arrears are modern innovations wholly outside the Landmarks, and dependent entirely on the special enactments of a comparatively recent period. (MMTB- The Ancient Charges- III. Of Lodges pg.169) (MMTB- The Old Regulations- II. Pg.186)

**Brother -1**

 **I understand that three principle officers, the Worshipful Master, Senior and Junior Wardens are present at every meeting. Can a Lodge be governed without any one of them present?**

Brother -2

10 - The government of the Craft, when congregated in a Lodge, by a Master and two Wardens, is also a Landmark. Masons meeting under any other government, for instance, a president and vice president, or chairman and sub-chairman, would not be recognized as a Lodge. The presence of a Master and two Wardens is as essential to the valid organization of a Lodge, as a Warrant of Constitution is at the present day. The names vary in different languages, but the officers, their number, prerogatives and duties are everywhere identical. (MMTB- The Old Regulations- II. Pg.186)

**Brother -1**

 **What about the brother guarding the door of the Lodge. In today’s Masonic Lodges is that duty necessary?**

Brother -2

11 - Yes it is. The necessity that every Lodge, when congregated should be duly tiled, is an important Landmark of the Institution which is never neglected. The necessity of this law arises from the esoteric character of Masonry. The duty of guarding the door, keeping off all cowans and eavesdroppers, is an ancient one, which therefore constitutes a Landmark.

**Brother -1**

 **At the annual meeting of the Craft how are all Masons represented?**

Brother -2

12 - Every Mason has the right to be represented in all general meetings of the Craft, and to instruct his representative. Formally these general meetings, which were usually held once a year, were called “General Assemblies” and all the Fraternity, even the youngest Entered Apprentice, were permitted to be present. Now they all called “Grand Lodges” and only the Masters and Wardens of the subordinate Lodges are summoned. But this is simply as the representatives of their members. Originally, each Mason represented himself, now he is represented by his officers. (MMTB- The Old Regulations- X. pg.190)

**Brother -1**

**We are taught as Entered Apprentices that justice is that standard or boundary of right which enables us to render unto every man his just due, without distinction. Can a brother appeal a decision of his brethren?**

Brother -2

13 - Yes. The right of every Mason to appeal from the decision of his brethren, in Lodge convened, to the Grand Lodge or General Assembly of Masons, is a Landmark highly essential to the preservation of justice, and the prevention of oppression. A few modern Grand Lodges in adopting a regulation that the decision of subordinate Lodges, in cases of expulsion cannot be wholly set aside upon an appeal, have violated this unquestioned Landmark as well as the principles of just government. (MMTB- The Ancient Charges- VI. Of Behavior- 1. In The Lodge While Constituted pg. 174) (MMTB- Masonic Offences- VI. Appeals pg.217)

**Brother -1**

 **Do I have a right to visit other Lodges?**

Brother -2

14 - “The right of visitation” to visit and sit in every regular Lodge is an unquestionable Landmark of the Order. This right of visitation has always been recognized as an inherent right which insures to every Mason as he travels through the world. Lodges are considered as only divisions for convenience of the universal Masonic family. This right may be impaired or forfeited on special occasions by various circumstances; but when admission is refused to a Mason in good standing, who knocks at the door of a Lodge as a visitor, it is to be expected that some good and sufficient reason shall be furnished for this violation of what is, in general a Masonic right, founded on the Landmarks of the Order.

**Brother -1**

 **What if I visit a Lodge where I’m unknown by the brethren present to be a Mason?**

Brother -2

15 - It is a Landmark of the Order that no visitor unknown to the brethren present, or to someone of them as a Mason, can enter a Lodge without first passing an examination according to ancient usage. If the visitor is known to any brother present to be a Mason in good standing, and if that brother will vouch for his qualifications, the examination may be dispensed with, as the Landmark refers only to the cases of strangers, who are not to be recognized unless after strict trial, due examination or lawful information. (MMTB- The Ancient Charges- VI. Of Behavior- VI. Towards A Strange Brother- pg.176)

**Brother -1**

 **Can one Lodge take over conferring the degrees on brethren of a different Lodge?**

Brother -2

16 - No Lodge can interfere in the business of another Lodge, nor give degrees to brethren who are members of other Lodges. This Landmark is founded on the great principles of courtesy and fraternal kindness, which are the very foundation of our Institution. It has been repeatedly recognized by subsequent statutory enactments of all Grand Lodges. (MMTB- The Ancient Charges- V. Of The Management Of The Craft In Working pg. 172)

**Brother -1**

 **If a brother is not affiliated with a Lodge, does that brother fall under the laws of the fraternity?**

Brother -2

17 - It is a Landmark that every Freemason is amenable to the laws and regulations of the Masonic jurisdiction in which he resides although he may not be a member of any Lodge. Non-affiliation, which is, in fact, in itself, a masonic offence, does not exempt a Mason from Masonic jurisdiction.

**Brother -1**

 **The qualifications of a candidate for Freemasonry state that he should be a man, free born, of good report and well recommended.**

Brother -2

18 - Certain qualifications of candidates for initiation are derived from a Landmark for the Order. They are that he shall be a man, un-mutilated, free born and of mature age. That is to say, a woman, a cripple, or a slave, or one born in slavery, is disqualified for initiation into the rites of Masonry. Statutes have from time to time been enacted, enforcing or explaining these principles; but the qualifications really arise from the very nature of the Masonic institution, and from symbolic teachings, and have always existed as Landmarks.

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 This is specifically contrary to the Masonic Law of this Grand Jurisdiction. In Maine we have decided that a man who has a physical impairment can become a Mason. Mackey says quite specifically that a cripple cannot become a Mason. (Source- Standing Regulations- 2-16 Report of the Committee on Landmarks) (MMTB – The Ancient Charges- IV. Of Masters, Wardens, Fellows, and Apprentices.)

**Brother -1**

 **Isn’t a belief in God also a requirement?**

Brother -2

19 - A belief in the existence of God as the Grand Architect of the Universe is one of the most important Landmarks of the Order. The denial of the existence of a Supreme and Superintending Power is an absolute disqualification for initiation. The annals of the Order never yet have furnished an instance which an avowed Atheist was ever made a Mason. (See MMTB- The Ancient Charges - I. Concerning God and Religion pg. 167)

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20 - Subsidiary to this belief in God, as a Landmark of the Order, is the belief in a resurrection to a future life. This Landmark is not so positively impressed on the candidate by exact words as the preceding; but the doctrine is taught by very plain implication and runs through the whole symbolism of the Order.

**Brother -1**

 **I understand why the Holy Bible is open on the altar when a Lodge is opened for work. Is this same Bible used in all Masonic Lodges around the world?**

Brother -2

21 - It is a Landmark that a “Book of the Law” shall constitute an indispensable part of the furniture of every Lodge. It is not absolutely required that everywhere the Old and New Testaments shall be used. The “Book of the Law” is that volume which, by the religion of the country, is believed to contain the revealed will of the Grand Architect of the Universe. Hence, in all lodges in Christian countries, the “Book of the Law” is composed of the Old and New Testaments. In a country where Judaism is the prevailing faith, the Old Testament alone would suffice. In Mohammendan countries, and among Mohammendan Masons, the Koran might be substituted.

**Brother -1**

 **Do Masons, while in open Lodge, have the same honors of society as they do outside of the Lodge?**

Brother -2

22- Equality of all Masons is another Landmark of the Order. The Monarch, the Nobleman or the Gentleman is entitled to all the influence, and receives all the respect, which rightly belongs to his position. But the doctrine of Masonic equality implies that, as children of one great Father, we meet in the Lodge upon the level. That on that level we are all traveling to one predestined goal that in the Lodge genuine merit shall receive more respect than boundless wealth, and that virtue and knowledge alone should be the basis of all masonic honors, and be rewarded with preferment. (MMTB- The Ancient Charges- IV. Of Masters, Wardens, Fellows, and Apprentices pg.170)

**Brother 1-**

 **Why all of this secrecy? Doesn’t the fraternity openly show itself and its members?**

Brother -2

23 - The secrecy of the Institution is another and most important Landmark. The form of secrecy is a form inherent in it, existing with it from its very foundation, and secured to it by its ancient Landmarks. If divested of its secret character, it would lose its identity and would cease to be Freemasonry. Whatever objections may, therefore, be made to the Institution on account of its secrecy, and however much some unskilled brethren have been unwilling in times of trial, for the sake of expediency, to divest it of its secret character, it will be ever impossible to do so, even where the Landmark not standing before us as an insurmountable obstacle; because such change of its character would be social suicide and the death of the Order would follow its legalized exposure. (MMTB- The Ancient Charges- VI. Of Behavior- IV. In Presence Of Strangers Not Masons- pg. 175)

**Brother -1**

 **Why all of the symbolism and where does the symbolism originate?**

Brother -2

24 - This symbolism is the foundation of a speculative science upon an operative art, and the symbolic use and explanation of the terms of the art, for the purposes of religious or moral teaching. The Temple of Solomon was the symbolic cradle of the Institution, and therefore, the reference to the Operative Masonry which constructed that magnificent edifice, to the materials and implements which were employed in its construction, and to the artist who were engaged in the building, are all component and essential parts of the body of Freemasonry, which could not be subtracted from it without an entire destruction of the whole identity of the Order.

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25 - The last and crowning Landmark of all is that these Landmarks can never be changed. Nothing can be subtracted from them, nothing can be added to them, not the slightest modifications can be made in them. As they were received from our predecessors, we are bound by the most solemn obligations of duty to transmit them to our successors.

Albert Mackey, using such research tools as were available to him identified 25 Landmarks. He attempted to put the seal on his version of the Landmarks by providing in the 25th Landmark that his particular formulation could never be changed.

The Grand Lodge of Maine traces much of its jurisprudence to the work and thinking of M.W. Josiah Drummond, its most famous Mason.

The Grand Lodge of Maine has never formally accepted Mackey’s version of the Landmarks. The Grand Lodge of Massachusetts, our Mother Jurisdiction, has never accepted it nor has it been accepted in England, its Mother Jurisdiction. Mackey’s version of the Landmarks was first drafted 38 years after the founding of the Grand Lodge of Maine. His version is one of many that were formulated during the last century and a half. It is not universally accepted today as authoritative, and is not part of the Masonic common law as we received it. Consequently, with respect to the Masonic Law of Maine, the adoption of Mackey’s version of the Landmarks would be an innovation.

The Grand Lodge seeks to be informed by the best Masonic scholarship and takes special note of the influence of Dean Pound on the jurisprudence of the Grand Lodge of Massachusetts, its Mother Jurisdiction. (Source- Standing Regulations- 2-15 Report of the Committee On Landmarks)

Program by VW Bro. Michael P. Meservey - DER 11th Masonic District – 2012

Sources: Maine Masonic Text Book - Standing Regulations - Report of the Committee On Landmarks