



Section VII

REGULATIONS, RULES AND DISCIPLINARY
PROCEDURES
for
FRATERS & COMMANDERIES
of
THE GRAND COMMANDERY OF WASHINGTON

2008

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REGULATIONS

RULES AND DISCIPLINARY PROCEDURE

for

FRATERS & COMMANDERIES

1.0 OFFENSES

1.1 Offenses Defined: Offenses against Templary committed by members of the Order and cognizable under the law are those specified in this Code

1.2 Frater Offenses:

1.2.1 Felony: Commission of any felony involving moral turpitude.

1.2.2 Civil Offenses: Other offenses against the laws of the United States or against the laws of any state or territory wherein the particular Commandery affected is located.

1.2.3 Templar Laws: Infractions of the law of the Grand Encampment or of the Grand Commandery within whose jurisdiction the offense is committed.

1.2.4 Obligatory Vows The doing of any act or the neglect of any duty contrary to or in violation of the obligations or teachings of Templary which would tend to impair its usefulness or to degrade it in the estimation of good people.

2.0 JURISDICTION

2.1 Members:

Each Constituent Commandery in this Grand Jurisdiction, whether duly constituted or working under dispensation has been granted authority Pursuant to Section 209 of the Grand Encampment Statutes to try and punish its members for offenses committed by them without reference to residence or place where the offense was committed, save in cases where a Grand Commandery or the Grand Encampment has exclusive jurisdiction.

2.2 Others:

Each Commandery also has similar jurisdiction.

2.2.1 Non or Un-Affiliates Of offenses committed by non-affiliate or un-affiliate Knights Templar residing in its particular jurisdiction regardless of where the offense was committed.

2.2.2 Knights Regardless of Commandery or Residence:

Except as hereinafter provided, of offenses committed within its particular jurisdiction by any Knight Templar of whatever Commandery or wherever residing.

2.3 Member of Another Commandery in Same Grand Jurisdiction:

If the accused is a member of another Commandery in the same Grand Jurisdiction it is the duty of the Commandery within whose jurisdiction the act complained of was committed to prefer charges and send a duly certified copy thereof by registered mail, receipt requested, to the Recorder of such offender's Commandery. It is the duty of said latter Commandery to forthwith proceed with the trial thereof and, if it fails for sixty days from the receipt of said charges to so proceed, the Commandery where the act was committed shall have full jurisdiction to proceed with the trial. In such case, upon final judgment the trial Commandery shall send a certified copy thereof to the Recorder of the Commandery wherein membership is held upon whose records entry thereof shall forthwith be made. The judgment shall have the same force and effect as if therein rendered. Notice of such judgment shall be sent to said member at his last known place of residence.

2.4 Member of Commandery in another Grand Jurisdiction:

If the offense was committed by a member of a Commandery in another Grand Jurisdiction, charges may be preferred and trial held by the Commandery within whose jurisdiction the offense was committed, with the same force and effect as if the offender were a member of such Commandery, provided that upon the filing of charges a duly certified copy thereof shall be sent by registered mail through the office of the Grand Recorder to the Commandery wherein membership is held and upon final judgment a transcript thereof shall be similarly sent to such Commandery on whose records it shall be spread and stand as the judgment of such Commandery. Notice as in paragraph 5 shall be given the offender.

2.5. Commandery Not Disclosed:

If the offender shall refuse to disclose the name, number and location of his Commandery, or, if upon due investigation, such name, number and location are not discovered, charges may be preferred and he be tried as if a non-affiliate, provided that should his Commandery be later discovered, a duly certified copy of the charges and of final judgment shall be transmitted to the Commandery of membership, on whose records such copies shall be entered and shall stand as the judgment of such Commandery. Notice as in paragraph 5 shall be given the member.

2.6 Refusal to Proceed:

2.6.1 By Grand Commander's Order: If a Commandery within whose jurisdiction an offense is committed shall refuse or neglect for thirty (30) days to proceed against the offender, and the offender is a member of such Commandery, the Grand Commander may order such Commandery to proceed.

2.6.2 Grand Commander Order of Investigation: If the offender is not a member of the Commandery within whose jurisdiction the offense is committed, and such Commandery neglects for thirty (30) days, or refuses to prosecute and such neglect or refusal shall come to the attention of the Grand Commander such Grand Commander may either require that Commandery or another to investigate the alleged offense and proceed as the welfare of the Order may require and the judgment of such Commandery shall have the same force and effect as if the offender were a member thereof, provided that a transcript of such judgment shall be forwarded to the Commandery in which membership is held and therein it shall have full force and effect.

2.6.2 First Commandery Assuming has Jurisdiction: In case two or more Commanderies have jurisdiction the Commandery first assuming jurisdiction shall retain it to the exclusion of others and for this purpose jurisdiction shall attach upon the filing of charges.

3.0 INFORMATION AND CHARGES

3.1 Definition: An "information" is a written complaint charging an offense under this code. It may set out more than one offense, each one styled a "charge."

3.2 Information in Writing: The information must be in writing, signed by the accuser, with separately numbered charges, and filed with the Recorder. Each charge must clearly state the facts constituting the offense charged.

3.3 Qualification To Prefer Charges:

3.3.1 Knights in Good Standing: Only Knights Templar in good standing may prefer charges. Membership in the Commandery wherein charges are preferred is not necessary.

3.3.2 Commandery: The information shall be entitled in the name of the Commandery against the accused. It is made the special duty of the Captain General to prepare and file all informations but this provision shall not bar any qualified Knight Templar either on his personal knowledge or communications from others from filing charges.

3.4. Against Knight or Constituent Commander:

Charges may be preferred against any member, but if against a Commander they shall be filed with the Grand Commander. The Grand Commander shall forthwith make or cause to be made, an investigation of the alleged misconduct and if he finds the welfare of the order demands it, he may suspend such officer and place the Commandery in charge of the ranking officer, provided that no such suspension shall be ordered until the alleged offender shall be given an opportunity to be heard in his defense. If the Grand Commander finds the charges insufficient, he may refuse to entertain them and they shall be held dismissed. If he finds them of sufficient gravity to warrant a trial, procedure shall follow as hereinafter set out, provided that nothing herein shall prevent a Commandery, after the term of its Commander has expired, from trying such Past Commander for offenses committed during his incumbency for which he might have been tried had he not been Commander, and provided further that there shall be no second trial for the same offense.

3.5 Withdrawal of Charges:

Charges may be withdrawn by complainant at any time before the taking of testimony begins, provided the Commandery at a stated Conclave by a majority vote of the members present consents thereto.

3.6 Offense Committed in Open Commandery:

3.6.1 Charges Unnecessary: In case an un-Knightly offense is committed in open Commandery, jurisdiction at once attaches regardless of the place of membership of the offender and no formal charge or service of notice is necessary. The Commander shall order the Recorder to enter of record the facts constituting the offense and shall direct the member to show cause why he should not be punished for such conduct. If no satisfactory showing is made the Commandery shall proceed to punish.

3.6.2 Ballot taken: If a showing is made in excuse or mitigation, the Commandery shall decide by ballot whether or not the showing is sufficient. If the majority vote is "yes" the frater is excused; if "no," punishment shall be imposed.

3.6.3 Punishment: If punishment is to be imposed the rules hereinafter prescribed upon conviction on charges shall be followed, but the summary method herein provided for shall not be resorted to unless it be at the same conclave during which the offense was committed and in the presence of the member charged; however, neglect to follow this summary method is no bar to subsequent charges.

3.7 Sufficiency of Charges:

No information or charge shall be held insufficient because indefinite as to statement of time or place or other matters where on its face it is sufficient to apprise the accused of the true nature of the offense and to serve as a guide in the taking of testimony and the imposition of penalties in case of conviction.

3.8 Time Set to Answer:

Upon the filing of charges, the Commander shall fix a time for answer thereto which time must be at a stated conclave of the Commandery to be held not less than ten days and not more than forty days thereafter, the accused Frater personal receipt for which is attached hereto by a certificate endorsed on the back of the following form:

"I hereby certify that on the day of....., 2..... I forwarded a notice of which to the accused Frater addressed to him at his actual (or last known)

4.0 NOTICE AND SERVICE PROCESS

4.1 Required Service:

After the information has been filed, the accused must be served with notice thereof, which notice shall contain a copy of the information and shall specify the time fixed as provided in the preceding section.

4.2 Form of Service:

The notice must be in writing, signed by the Recorder under seal of the Commandery and in form substantially the same as hereinafter set out.

4.3 Service of Process: Personal Service shall be personal or if Frater is not within the Jurisdiction of Commandery, Substituted Service.

4.3.1 Personal Service: Personal service is made by delivering to the accused a copy of the notice and must be resorted to if the accused is found within the jurisdiction of the Commandery.

4.3.2 Substituted Service: In case the accused is not found in the jurisdiction of the Commandery, substitute service may be made by forwarding such notice by registered mail addressed to the accused at his actual or last known place of residence; provided, however, that if the return receipt shows the genuine signature of the accused, the service shall be deemed personal. In case the accused is not a member of the Commandery in which the information is filed, a copy of the notice shall also be sent to the Recorder of the Commandery in which he holds membership.

4.3.3 By Whom Served: By any Knight Templar in Good Standing. By the Recorder if Substituted Service is required

4.3.4 Proof of Service: Proof of service shall be made in one of the following ways:

4.3.4.1 By a certificate endorsed on the back of the notice in substantially the following form:

"I hereby certify that on the day of A.D. 2.... I delivered to Frater a notice, of which the within is a true copy.

....., Recorder (or), , , Knight Templar."

4.3.4.2. By the written acknowledgement of the accused on the back of a copy of the notice substantially as follows:

"I hereby acknowledge due service of the within notice this day of A. D.2.....

4.3.4.3. By a certificate endorsed on the back of a copy of the notice in substantially the following form:

"I hereby certify that on the day of A. D. 19..... I forwarded a notice of which the within is a true copy to the accused Frater by registered mail, his personal receipt for which is attached hereto.

..... Recorder."

4.3.4.4 By a certificate endorsed on the back of the notice in substantially the following form:

"I hereby certify that on the day of A. D. 2..... I forwarded a notice of which the within is a true copy to the accused Frater by registered mail addressed to him at his actual (or last known) place of residence. Recorder."

4.4. Jurisdiction Attaches: Jurisdiction of the Commandery to try the accused attaches when service has been made as herein provided and proof thereof filed with the Recorder.

4.5. Recorder Defined: The term "Recorder" as herein used means the duly installed Recorder or any frater acting as such by order of the Commander.

4.6 Residence of Accused: The Recorder must exert every effort to ascertain the actual or last known place of residence but his return as made is conclusive. The phrase "last known place of residence" means the residence last known to the Recorder.

5.0 APPEARANCE

5.1 Manner of Appearance: In proceeding upon charges under this Code, the appearance of the accused shall be in one of the following ways:

5.1.1 Personal Presence: By his personal presence at the time and place of which he has had notice.

5.1.2 Representation by a Knights Templar: By the presence of any Knight Templar in good standing who files with the Recorder written authority of the accused to appear for him.

5.1.3 Written Memorandum: By his written appearance filed with the Recorder, before or at the stated conclave at which he is cited to appear.

5.2 Jurisdiction Acquired: An appearance in any one of the foregoing ways gives the Commandery jurisdiction notwithstanding any defect in or want of service of notice.

5.3 Failure to Appear: In case of personal service, if the accused fails to appear, such failure shall be deemed an admission of guilt as charged and the Commandery shall proceed to punish as upon a plea of "guilty."

5.4 Substituted Service: In case of substituted service, if the accused fails to appear, the Commander shall appoint some competent frater as counsel for him. It is the duty of such counsel to preserve to the accused every legal and fraternal right under the law. If objections to all charges are not sustained, a plea of "not guilty" must be entered by counsel.

6.0 OBJECTION-PLEA

6.1 Objection or Plea: A frater appearing in a proceeding against him for Un-Knightly conduct must either object to the charge or charges or plead thereto.

6.2 Objection Defined: An objection is a written statement signed by the accused, his counsel, or by another member of the Commandery impeaching the sufficiency of any one or more of the charges, specifying which one, or ones, by number, and filed with the Recorder.

6.3 Disposal of Issues: The Commander shall either sustain or overrule every objection filed. If he finds the charges does not state a triable offense, or that the Commandery has no jurisdiction, he must sustain the objection; otherwise, overrule it. A separate ruling must be made on each objection.

6.4 Charge Dismissed: If an objection is sustained, that particular charge is dismissed unless the complainant shall at once amend it. The same procedure shall follow any amendment.

6.5 Plea Defined: A plea is an answer to the charge or charges. It is either "guilty" or "not guilty." It may be orally stated or be in writing and in either event entered on the records by the Recorder in substantially the following form:

" Comes now the accused,..... ,and to charge No.
pleads "not guilty" (or "guilty")."

No particular form is necessary. The plea must immediately follow the overruling of an objection unless by vote of the Commandery time therefor is extended.

6.6 Plea Entered: In case of personal service on, or the appearance of, the accused, if no objections to the charge, or charges, are made, or if made are overruled, the accused must plead to each charge. If he fails to plead, or pleads "guilty", no trial is necessary. The Commander orders the pleas of "guilty," to be entered on the record and punishment follows, as by law provided; however, in fixing punishment matters in mitigation may be considered.

6.7 Former Conviction or Acquittal:

Former conviction or acquittal of the charge or charges made, need not be specially pleaded. It may be shown under a plea of "not guilty."

7.0 TRIALS

7.1 Trial Commandery: Commandery for the purpose of trying the issue. The conclave shall be special and shall be held not less than ten nor more than thirty days after the plea is filed.

7.2 Summons: The summons under the seal of the Commandery may be in substantially the following form:

..... 2....

"To Frater

Take notice that a special conclave of Commandery No. . . . Knights Templar is ordered to convene at its Asylum on the day of 19.... at o'clock M. to consider and pass upon charge preferred against a frater at which time and place your attendance is required.

(seal)Recorder."

7.3 Service of Summons:

7.3.1 All Commandery Members and Frater: The Recorder shall summon all members of the Commandery. Summons may be served personally or by ordinary mail sent to the frater at his last known place of residence.

7.3.2 Return of Service: The return of the Recorder may be in the following form:

"I hereby certify that I summoned the members of Commandery No. Knights Templar conclave of said Commandery to this day of, 2..... personally with a written notice purpose of such conclave or by forwarding such notice by mail sent to him at his last known place of residence.

.....Recorder

The return must be entered on the records.

8.0 TESTIMONY.

8.1 Trial Court: Testimony for use on the trial may be given in open Commandery at the time of the trial or it may be taken in whole or in part before a committee of not more than three Knights Templar appointed by the Commander and in case witnesses cannot be produced in, or are not members of a Commandery, their testimony must be taken before a committee. More than one committee may be appointed.

8.2 Commandery Committee Hearing: When testimony is taken by a committee, the committee shall fix the time and place and give

reasonable notice to the prosecutor for the Commandery and to the accused or his counsel and at the time and place designated it is the duty of the respective parties to produce their witnesses.

8.3 Notice of Trial Hearing: The notice may be substantially in the following form:

..... 2.....

"TO

You are fraternally notified that in the matter of charges preferred in Commandery No. Knights Templar, Grand Jurisdiction of against Frater a committee consisting of Sir Knight (or Knights)..... has been appointed to take testimony touching such charges. The Committee will meet at on the day of 2..... at o'clock M. and take the evidence of such persons as may be produced and particularly of those who may not be admitted into the Commandery to testify. You are requested to attend and examine or cross examine such witnesses and also to present any persons particularly those who may not be admitted into the Commandery whose testimony you may desire to have read at the trial. Said hearing will be continued from day to day until all such testimony has been taken, unless otherwise ordered by the committee.

You are further notified that the Commandery will proceed with the trial of the charges preferred at a special conclave to be held at the Asylum of said Commandery at P.M. of the day of A. D. 19.... where and when the evidence taken by the committee and other evidence will be offered. At said trial you are notified to present such evidence and such witnesses as you may desire who may be entitled to appear in such conclave and whose testimony has not been taken by the committee.

SEAL

.....

Recorder

Entry of the sending of the notice, when and to whom sent, shall be made upon the record.

8.4 Rulings on Admissibility: Where the committee consists of but one member he shall rule on the admissibility of the evidence presented. When more than one, the Commander in appointing shall name which one shall act as chairman and the chairman shall make the rulings.

8.5 Objections to Evidence: Either party may object at any time to any question or answer, a simple "I object," being sufficient. Where the evidence is clearly inadmissible it should be rejected; if doubtful it should be taken.

8.6 Testimony Reduced to Writing: The testimony and objections as made and entered must be reduced to writing as nearly as may be in the language of the witness. As the evidence of each witness is concluded, the record thereof should be signed by him but failure to do so will not exclude it.

8.7 Commandery Committee: During the taking of testimony before a committee only those having a duty to perform in connection therewith shall be present.

8.8 Admissibility of Evidence:

8.8.1 Civil Proceedings: On the trial of any Knight Templar accused of an offense which is also punishable under the law of the United States or of any State thereof, the record of his conviction in such court, or a certified copy thereof, shall be competent evidence and prima facie proof of guilt, but the evidence shall not be limited thereto.

8.8.2 Former conviction or acquittal:

8.8.2.1 Proof of Former Conviction: The proof of former conviction or acquittal of the charge or charges is the record of the proceeding in which such conviction or acquittal was had or a certified transcript thereof. If such record is not obtainable other proof may be given.

8.8.2.2 Double Jeopardy: When proven, such conviction or acquittal is a bar to further proceedings on the offense or offenses charged.

8.9 Prosecutor: After an issue is formed, the Commander may appoint any Knight Templar to prosecute the charges and in the absence of any appointment the duty to prosecute shall devolve upon the Captain General. The prosecutor shall, in the discharge of his duties, keep steadily in view the welfare of the Order and the attainment of a just result.

8.10 Testimony: Testimony given by a Mason shall be on his honor, that by a profane under oath administered by some person duly authorized by the civil law of the jurisdiction.

8.11 Witness Fees: No fees or compensation shall be paid to Knights Templar who are witnesses. Expenses paid by a witness for the Commandery may be paid by the Commandery. As to profanes, each party must procure their attendance as best he can and bear the expense thereof.

8.12 Number of Trial Conclaves: The trial conclave should be confined to one session if possible. If not, it shall be resumed at a conclave to be held not more than two weeks later. There shall be as many conclaves as may be necessary to complete the trial.

8.13 Permitted Persons at Trial: Besides the accused, his counsel, and the prosecutor, none save members of the trying Commandery may be present. It is the duty of every member present when the trial starts to attend

each subsequent conclave. None save those present during the entire trial may vote.

8.14. Leaving Trial Conclave Forbidden: No member of the Commandery authorized to vote shall be excused from the Asylum by the Commander save for pressing necessity. A mere temporary absence, during which the trial be suspended, is not an absence within the meaning of this section.

8.15 Trial Conclave Order Of Opening: When the Commandery is convened for trial purposes it shall be opened on the highest Order attained by the accused. The Commander may call some competent frater to preside.

8.16 Rules for taking testimony: In taking testimony at the trial, the same rules shall prevail as is the case before a committee. The Commander shall rule upon all questions. Testimony taken before a committee shall be read to the Commandery. As to any such testimony, either party may ask its exclusion and such question must be decided by the Commander.

8.17 Allegations and Proof: If there is a difference between the time or place as alleged and proven, this will not defeat the action, provided it is not so great as to mislead.

8.18 Accused as Witness: The accused may not be called as a witness but may testify in his own behalf. If he elects to testify he may be cross-examined by the prosecutor and such cross examination shall not be limited to the particular evidence given by accused. The Commandery shall be the sole judge of his credibility and of the weight to be given to his evidence.

8.19 Examinations of Witnesses: Legal limitations as to examination of witnesses have no application in Templar trials. When a witness is once introduced either party may seek any information such witness possesses of his own knowledge relative to the charges on trial.

8.20 Secret Work: In case the testimony discloses any part of the esoteric work of the Order, the committee and the Commandery shall omit the same from the record.

8.21 Argument: After all the testimony is submitted, the prosecutor and the accused or his counsel, or any frater for him, shall be heard if he so desires, the prosecutor opening and closing the argument. The Commandery may limit the time for argument.

8.22 Deliberation: At the conclusion of the argument the accused, and all nonmembers of the Commandery shall retire. If the Commandery is not then open on the Order of the Temple, it shall be so opened for deliberation and action. In the course of the deliberation the members may speak and seek such information as they desire, observing therein the will and pleasure of the Commander.

8.23. Charge to Commandery - Voting: After due deliberation, the length of which is to be determined by the Commander, the Commander

shall submit to the Commandery the following question as to each charge under consideration:

8.23.1 Guilty Verdict: "Is the accused guilty or not guilty?" Each member shall then deposit his written ballot with the inscription only, "guilty" or "not guilty." A majority vote of "guilty" shall convict and the fact must be entered on the record in substance as follows:

"The accused is adjudged guilty of the offense charged." or if the information contains more than one charge:

"The accused is adjudged guilty of the offense set out in charge No. of No.....

No member present and qualified to vote, save Counsel, shall be excused from voting on the question of guilt or of punishment in the case of conviction.

8.23.2. Acquittal: If the vote of "guilty" is less than a majority, the accused is acquitted of the charge on which the vote is taken and entry shall be made of such fact on the record.

8.24 Punishment: If there is a conviction on one or more of the charges, the Commandery must then proceed to impose punishment as provided in the following sections.

9.0 PUNISHMENTS

9.1. Punishments Enumerated: Punishments that may be imposed upon conviction of an un-Knightly offense are:

- (a) Expulsion.
- (b) Suspension.
- (c) Reprimand.

9.2 Mandatory Sentence: In case the offense charged is a felony, or atheism, the Commander without vote of the Commandery shall declare the offender expelled and order the declaration made of record. This constitutes the sentence and remains in force until restoration as provided in Sec. 206 of the Statutes of the Grand Encampment.

9.3 Sentence Determined By Vote: In case no punishment is prescribed in this Code, the Commandery shall, by majority vote, determine what the punishment shall be. The vote thereon shall be by written ballot and for that purpose the Commander shall first inquire; "Shall the accused be expelled?" Those favoring that punishment shall deposit a ballot with the word "yes" only, written thereon, and those opposed the word "no" only, written thereon. If there is a majority for expulsion the Commander shall declare the accused expelled and the fact shall be entered on the record and stand as the judgment of the Commandery. If there is less than a majority for expulsion, the Commander shall in like manner take a vote on the question of suspension, and if there is a majority for suspension the Commander shall declare the accused suspended and the fact shall be entered on the record and stand as the judgment of the Commandery. The sentence of expulsion or

suspension remains in force until restoration as provided in Sec. 206 of the Statutes of the Grand Encampment.

9.4 Reprimand: If there is not a majority for suspension, then, without further action of the Commandery, the Commander shall proceed to administer a reprimand. If the accused is a Knight Templar he shall be forthwith admitted and the reprimand shall be administered at that conclave. If his presence is not then obtainable, the Commander may fix a date, the Recorder shall notify the accused to appear, and on his appearance the reprimand shall be administered, provided, that in a special case the reprimand may be sent to the accused but in such case it shall be read in open Commandery and a copy filed and preserved among the records. In all cases the administration of the reprimand shall be entered on the record.

9.5 Punishment Must Cover All Charges: But one punishment may be imposed under one information; that is, when there is a conviction on two or more charges, the members in voting a punishment must have in view one adequate to cover all offenses of which there is a conviction.

10.0 APPEALS

10.1. From Decision of Commander: In proceedings upon charges of un-Knightly conduct, no appeal lies to the Commandery from a decision of the Commander and none to the Grand Commandery save by the accused.

10.2 Secret Work: If on appeal to the Grand Commandery, testimony given under the provisions of Sec. 56 hereof shall be material, any Knight Templar who on the trial below heard the testimony may be a witness before the Grand Commandery or its Committee as to what such testimony was but in no case shall it be reduced to writing.

10.3. Transcript: If there is an appeal, the Recorder must make out and seal to the Grand Recorder a complete transcript of the proceedings, including all testimony save where it concerns the secret work.

10.4. No appeal: If there is no appeal and the penalty is not expulsion, no transcript need be sent to the Grand Recorder. If the penalty is expulsion, the transcript must be sent.

10.5. Right of appeal: No exceptions need be taken by the accused to any ruling or other proceeding connected with the trial in order to protect his rights. On appeal the entire record may be reviewed and on such review, except where there is substantial prejudice to the rights of the accused, all technicalities, errors and irregularities are to be disregarded; however, the Grand Commandery shall not render a more unfavorable judgment against the accused.

10.6. Judgment in Force: In all cases of conviction and punishment by a Commandery, the judgment shall be in force until reversed, set aside or modified by the Grand Commandery.

10.7 Time for Appeal: Appeal must be taken within thirty (30) days after the entry of judgment, by a notice filed with the Recorder of the Commandery wherein the trial was held .

10.8 Notice of Appeal: The notice shall be in writing and in substantially the following form:

..... 2..... of

"To Recorder Commandery No. , Knights Templar. You are hereby notified that the undersigned appeals to the Grand Commandery of Knights Templar of from the judgment of said Commandery against him rendered on the day of Appellant.

10.9 Transcript Required:

10.9.1 Recorder's Transcript: Upon the filing of the notice, the Recorder shall forthwith prepare and forward to the Grand Recorder a complete transcript of the proceedings, and the case shall be disposed of at the succeeding annual conclave, unless continued at the instance of the accused or of the Grand Commandery. There shall not be more than one continuance.

10.9.2 Referred to Designated Committee: The appeal shall be referred to such committee as the Grand Commandery may designate or to a special Committee appointed as it may order. The committee shall report its findings and recommendations to the Grand Commandery for its action.

11.0 RETRIAL AND REHEARING

11.1 Reversal: When a judgment is reversed for error in the proceedings of the trial Commandery which is of substantial prejudice to the rights of the accused or for failure of a full and proper transcript, the Grand Commandery may order the case remanded for retrial or for such correction of the transcript as may be necessary.

11.2 Retrial: If a retrial is ordered the Grand Recorder shall promptly notify the trial Commandery and attach to the notice a copy of the report adopted by the Grand Commandery. The Commandery shall bring the case on for retrial within such time as the order of reversal may direct or if no time is fixed then within sixty days after receipt of notice of reversal. At such trial the proceedings shall be the same as upon the original trial, save that the charges and pleas made at the original trial shall stand, unless the Grand Commandery shall order such charges amended or altered. If amended or altered the amended or altered charges shall be served on the accused and the Commandery may use all competent testimony introduced at the original trial and such additional testimony as may be competent.

11.3 Rehearing: After final disposition of any appeal the Grand Commandery may, in furtherance of justice grant a rehearing.

11.4 Retrial- Substituted Service: In case the service is substituted only and there is no appearance by the accused and there is a conviction followed by expulsion or suspension, and the accused shall within six months from the date of conviction appear and ask for a rehearing and take issue on the charge or charges as upon personal service, he shall be entitled to such rehearing, and the law applicable to original hearing shall govern. If on such trial the accused shall be acquitted, the former judgment is thereby vacated and the accused reinstated. If he is convicted and the punishment is different from that imposed at the former trial, then such former judgment shall stand modified to conform to the later judgment. The date of the judgment on either case is that of the former judgment.

11.5 Right to appeal: After a retrial, as provided in the last preceding section, if the judgment is expulsion or suspension, the accused shall have the same right of appeal as hereinbefore provided in Sec. 67 et seq. saving that the time within which the appeal may be taken shall begin to run from the actual date of the judgment on such retrial.

12.0 GRAND COMMANDERY TRIALS AND DISCIPLINE

12.1. General Jurisdiction: The Grand Commandery has jurisdiction for the enforcement of discipline of its own members wherever their residence may be, for un-Knightly offenses where under the law a constituent Commandery has not jurisdiction. It has also jurisdiction of offenses of which constituent Commanderies have jurisdiction but fail through neglect or otherwise to exercise it.

12.2 Original Jurisdiction: The Grand Commandery has original jurisdiction of all controversies between its different Commanderies or between a Commandery and a member of another Commandery.

12.3. Exclusive Jurisdiction: The Grand Commandery has exclusive jurisdiction:

- (a) To arraign and try Commanders of constituent Commanderies;
- (b) To arraign and try Past Commanders for official misconduct while Commanders;
- (c) To arraign and try any elective or appointive officer of the Grand Commandery for un-Knightly offenses;
- (d) To arraign and try any Past Officer of the Grand Commandery for official misconduct while in office.

Provided that nothing herein shall prevent a constituent Commandery from trying and punishing any of its Past Commanders or its members who are past holders of any Grand Commandery office for conduct while holding such office for which he might have been prosecuted had he not been such officer.

12.4. Invoking Grand Commandery Action:

12.4.1 Commanderies: Any Commandery desiring to invoke the action of the Grand Commandery with regard to itself and another Commandery in the same jurisdiction may do so by petition setting forth

the facts and the relief it asks. The petition shall be signed by the Commander and the Recorder, or by a committee appointed by the Commander. It must be filed with the Grand Commander and a copy thereof sent to the Commandery complained of and a certificate of such sending filed with the Grand Commander. Upon such filing, the Grand Commandery has jurisdiction, and the Grand Commander may then refer the matter to an appropriate standing committee or to a special committee appointed by him. The committee may conduct such hearings as it deems necessary to do complete justice between the Commanderies, of which hearings both parties shall be given notice.

12.4.1.1 Reported At Next Conclave: The report of the committee shall be presented to the Grand Commandery at its next annual conclave, when the Grand Commandery shall take such action as it deems just to both parties.

12.4.1.2 Commandery and member of another Commandery: Similar action shall be taken in case of a controversy between a Commandery and a member of another Commandery of the jurisdiction.

12.5 Where Commanderies lack jurisdiction:

12.5.1 Actions Against Grand Commandery Members: In all cases of complaint of un-Knightly conduct against members of the Grand Commandery or against members of the Order over which no constituent Commandery has jurisdiction, such complaint shall be by information and charges, the same (with copy for the accused) to be filed with the Grand Commander who shall notify the accused and furnish him with a copy of the information and thereafter the Grand Commandery has jurisdiction. Objection and pleas shall be made similarly as in case of constituent Commandery trial, the Grand Commander fixing the time therefor and ruling on all objections filed. If the service is personal and the accused fails to object or plead within the time fixed, or enters a plea of "guilty," then the same presumptions and consequences and procedure are to follow in the Grand Commandery, whether it is assembled in conclave or is in adjournment, as is the case in Commandery procedure, modified by the Grand Commander as to time and place.

12.5.2 Where Commanderies fail to act:

12.5.2.1. Constituent Commandery Fails Enforce Discipline: In cases where Commanderies have jurisdiction to enforce discipline and fail to do so, action of the Grand Commandery may be involved upon complaint of any Knight Templar, provided he states that charges have been filed in the constituent Commandery having jurisdiction and that such Commandery has failed for sixty (60) days to act thereon.

12.5.2.2 Action Order by Grand Commander: The Grand Commander on such filing shall personally or by representative named by him investigate such complaint and if he finds it groundless or not of importance, he shall dismiss it, but if he finds merit therein, he shall direct the Commandery to proceed and may send a representative to take charge of the proceedings to the end that there may be a full and fair investigation, justice done to the accused and the dignity of the Order maintained, or he may transfer the entire case to the Grand Commandery for trial and therein the same rules as to procedure shall apply as in Constituent Commandery trials saving as to times and places which all be fixed by the Grand Commander.

12.6 Discipline of Members of Grand Commandery: In matter of discipline of members of the Grand Commandery for Un-Knightly conduct at a stated or special conclave, the Grand Commandery may proceed forthwith to try and punish the offender.

12.7 Expulsion or Suspension: Where the Grand Commandery has jurisdiction and expels or suspends a Knight Templar, such expulsion or suspension shall be from all the rights and privileges of Templary, unless otherwise expressed. Reinstatement in such a case must be on written petition and by a two-thirds vote of the Grand Commandery. A Knight Templar thus reinstated is not thereby restored to membership in any particular Commandery but has the standing of a demitted member, provided that if the offender is not a Knight Templar he shall have but the right granted by Sec. 195 of the Statutes of the Grand Encampment.

12.8 Dismissal Based On Technicalities: In case a right of action or inquiry in a Grand Commandery is given, such action or inquiry shall not be dismissed for the reason that no particular form or method of procedure is provided by this code but the form or method shall be discretionary with the Grand Commander who shall ever have in view the attainment of just results and the maintenance of the dignity of the Order, it being the intention that the provisions of the law in their essence and spirit shall be observed and that technical devastations therefrom, not prejudicial to or in violation of an absolute right, shall not defeat the application of the law nor avoid the penalty for its infraction. Grand Commandery may grant a re-hearing as in cases of appeal.

12.9 Other Grand Commandery Proceedings: As to instituting other proceedings in the Grand Commandery, instructions are not deemed necessary. After proceedings are instituted the powers of the Grand Commandery are so ample and discretionary that no definite rules of procedure need be given.

13.0 COMPLAINTS AGAINST COMMANDERIES

13.1. Grand Commandery Review: In case a Knight Templar is aggrieved by the action of a Commandery, whether such action is by a vote of the Commandery or by a ruling by the Commander, he may petition the Grand Commandery for a review thereof. During an adjournment of the Grand Commandery the complaint shall be presented to the Grand Commander who may institute an inquiry and report thereon, or refer the complaint to the Grand Commandery. In all cases a copy of the complaint shall be furnished to the constituent Commandery.

13.2 Commandery Deserving Discipline:

13.2.1 Frater Complaint Against Commandery: It is competent for any affiliated Knight Templar to complain in writing to the Grand Commandery or the Grand Commander that a Commandery of the jurisdiction is deserving of discipline for reasons known to the law, stating the reasons in a general way. If the complaint is to the Grand Commandery, it may act thereon as it deems just. If filed with the Grand Commander during an adjournment of the Grand Commandery, and he deems the complaint deserving of consideration, he shall notify the Commandery of the complaint, and by committee or otherwise may make inquiry into the facts and present the same to the Grand Commandery for its action.

13.2.2 Broader Fact Pattern: In such proceeding the Grand Commandery need not be confined to the facts stated in the complaint.

14.0 APPEALS TO THE GRAND MASTER In a trial conducted by the Grand Commandery, the accused shall have the privilege of appealing to the Grand Master.

14.1 Time Limit For Appeal: An appeal to the Grand Master must be taken within thirty (30) days after the entry of judgment, by a notice filed with the Grand Recorder of the Grand Commandery wherein the trial was held.

14.2 Notice Of Appeal The notice of appeal shall be in writing and in the form set out in Section 74 of the Disciplinary Rules.

14.3 Transcript Required: Upon the filing of the notice the Grand Recorder shall, within thirty (30) days from the date received, prepare and forward to the Grand Master a complete transcript of the proceedings, including all pleadings and the evidence heard on the trial.

15.0 REVIEW BY GRAND MASTER

15.1 Jurisdiction Of The Grand Master: The Grand Master shall review the entire record, but his action shall be limited to affirming the judgment of the Grand Commandery or reversing the judgment and ordering a new trial. However, in proper cases, the Grand Master may exercise his executive clemency.

15.2 Grand Recorder of Grand Encampment to Prepare Transcript: Upon the filing of the notice the Grand Recorder shall,

within thirty (30) days from the date received, prepare and forward to the Grand Master a complete transcript of the proceedings, including all pleadings and the evidence heard on the trial.

15.3 Jurisdiction Of The Grand Master Defined:

15.3.1. Terms Defined:

(a) Wherever in this Code the term "Templar," "Knight Templar" or "Member" is used it shall, in proper case, be held to describe one who is a Companion of the Red Cross, merely, or a knight of Malta.

(b) The word "Commandery" as used in this Code, describes both a Constituent Commandery and a Subordinate Commandery.

(c) The words "Grand Commander," and "Grand Recorder" apply in proper case to like officers in the Grand Encampment and the words "Grand Commandery" to "Grand Encampment."

(d) Where, in this Code, the word "Commander" is used, it shall be construed as applying to the presiding officer.

(e) Whenever under the provisions of this Code, a notice is required to be given to, copies sent to, or communications to be had with, a frater accused of un-Knightly conduct, such notice, copy or communications shall be sent by registered mail with return receipt requested. The returned receipt shall be prima facie evidence of such mailing, save as otherwise in this Code provided.

(f) A "non-affiliate" is a Knight Templar whose membership in a recognized Commandery has been severed by demission therefrom. An "un-affiliate" is a Knight Templar whose membership in a recognized Commandery has been otherwise severed.

g) A "sojourner" as the word is used in this Code, is a Knight Templar who is within the territorial jurisdiction of a Commandery but whose residence and Commandery, if any, are elsewhere. It also refers to "un-affiliates" and "non-affiliates" temporarily residing in the jurisdiction of any Commandery.

**APPENDIX
SUGGESTED FORMS**

Charges Against a Frater

..... Commandery, No., Knights Templar:

To the Commander and members of Commandery No.
Knights Templar of (Jurisdiction) I accuse Sir Knight
..... a member of Commandery, No., Knights Templar of
..... (or a Companion of the Red Cross of Knight of Malta or a non-
affiliate or an unaffiliate or a frater whose Commandery membership is
unknown) of un-Knightly conduct as follows:

That the said frater on or about the day of 2.... at or near
..... (state offense clearly and if there are different
charges they should be separately numbered as Charge No. 1, etc.)

a

..... 2....

TO: Captain General
(for a Knight Templar, a member)
of Commandery No.
Knights Templar located at
.....

Notice to Frater of Charges

NOTICE OF INFORMATION

TO SIR KNIGHT (or Companion or Knight of Malta): .
Knights Templar of the Jurisdictions of held at..... on the
..... day of A. D. 2....., an information, a true copy of which is
hereto attached, was filed charging you with un-Knightly conduct.

You are required to respond thereto on or before the day of
..... 2..... by filing with the undersigned any objection you may have
to the sufficiency of the charge or charges. If you have no such objections,
then within the same time you must plead to each charge with a plea of "not
guilty" or "guilty" of the offense charged.

You are further notified that at the next stated conclave of said Commandery
to be held on the day of 2..... the said Commandery will
take full and complete jurisdiction of all matters connected with said charges.

You are further notified that at the next stated conclave of said Commandery
to be held on the day of2..... the said Commandery will
take full and complete jurisdiction of all matters connected with said charges.

You are further notified to appear at said time in person or by any Knight Templar in good standing as counsel for you or by your written communication and make defense to said charges if you so desire.

Given under my hand and the seal of the Commandery this day of 2.....

.....
SEAL Recorder

Notice Setting Time for Answer (§ 3.8)

"I hereby certify that on the day of.....,A.D.2..... I forwarded a notice of which to the accused Frater addressed to him at his actual (or last known address)

.....
SEAL Recorder

Knight Templar Proof of Service (§ 4.3.4)

"I hereby certify that on the day of A.D. 2.... I delivered to Frater a notice, of which the within is a true copy.
....., Recorder (or) , , , Knight Templar."

Frater Acknowledgement Proof of Service (§ 4.3.5)

"I hereby acknowledge due service of the within notice this day of A. D.2.....

Recorder Proof of Service (§ 4.3.3.)

"I hereby certify that on the day of A. D. 2..... I forwarded a notice of which the within is a true copy to the accused Frater by registered mail, his personal receipt for which is attached hereto.
..... Recorder."

Recorder Alternate Proof of Service (§ 4.3.4)

"I hereby certify that on this day of A. D. 2..... I forwarded a notice of which the within is a true copy to the accused Frater by registered mail addressed to him at his actual (or last known) place of residence. Recorder."

Form of Frater’s Plea (§ 6.5)

" Comes now the accused,..... ,and to charge No. pleads "not guilty" (or "guilty")."

Summons (§ 7.2)

..... 2....

"To Frater

Take notice that a special conclave of Commandery No. . .. Knights Templar is ordered to convene at its Asylum on the day of 2.... at o'clock M. to consider and pass upon charge preferred against a frater at which time and place your attendance is required.

(seal)Recorder."

Return of Service of Summons (§ 7.3)

"I hereby certify that I summoned the members of Commandery No. Knights Templar conclave of said Commandery to this day of, 2.... personally with a written notice purpose of such conclave or by forwarding such notice by mail sent to him at his last known place of residence.

.....Recorder

Trial Hearing Notice (§ 8.3)

..... 2.....

"TO

You are fraternally notified that in the matter of charges preferred in Commandery No. Knights Templar, Grand Jurisdiction of against Frater a committee consisting of Sir Knight (or Knights)..... has been appointed to take testimony touching such charges. The Committee will meet at on the day of 2.... at o'clock M. and take the evidence of such persons as may be produced and particularly of those who may not be admitted into the Commandery to testify. You are requested to attend and examine or cross examine such witnesses and also to present any persons particularly those who may not be admitted into the Commandery whose testimony you may desire to have read at the trial. Said hearing will be continued from day to day until all such testimony has been taken, unless otherwise ordered by the committee.

You are further notified that the Commandery will proceed with the trial of the charges preferred at a special conclave to be held at the Asylum of said Commandery at P.M. of the day of A. D. 2.... where and

when the evidence taken by the committee and other evidence will be offered. At said trial you are notified to present such evidence and such witnesses as you may desire who may be entitled to appear in such conclave and whose testimony has not been taken by the committee.

SEAL

.....

Recorder

Notice of Appeal (§ 10.8)

..... 2..... of

"To Recorder Commandery No. . . . , Knights Templar. You are hereby notified that the undersigned appeals to the Grand Commandery of Knights Templar of from the judgment of said Commandery against him rendered on the day of Appellant.