

SOME ISSUES IN THE PRE-UNION DEBATE

by Neil Wynes Morse

(In 1988, New South Wales brethren celebrated the centenary of the formation of the United Grand Lodge of New South Wales. In August 1988, as one of the events associated with the celebrations, brethren from Goulburn visited Canberra and in The Canberra Lodge of Research and Instruction, performed a re-enactment of the ceremony which led to the formation of the United Grand Lodge on 16 August 1888. With some minor amendments incorporated later, the paper which follows was subsequently delivered to the Lodge as a supplement to the re-enactment.)

In the discussion at the August meeting of the Lodge which followed the presentation by our Goulburn brethren of a re-enactment of the ceremony which led to the formation of the United Grand Lodge of New South Wales on 16 August 1888, several brethren commented on the somewhat flat tone of the ceremony. It seems that there was an expectation that there would be some dissent expressed at the meeting but, instead, there was nothing but 'sweetness and light'.

The fact of the matter is that it is unlikely that there would have been any dissent voiced. Firstly, there had been debate on the matter of unification for a decade or more and the principals in the debate must have reached a state of almost complete mental exhaustion. Secondly, the hierarchies of each of the Grand Lodge bodies concerned were agreed that the argument should stop and this was the case also with the parent bodies in England and Scotland. Thirdly, the Governor of New South Wales, who was to be the Grand Master of the new Grand Lodge, was in attendance and was being sponsored for that position by the Grand Master or the Acting Grand Masters of the three merging bodies and it would have been

strange if they had allowed a situation to develop where dissent was expressed,

Because of the comments made, I thought that members of the lodge might like to hear something of the background to the meeting which approved the formation of the United Grand Lodge of New South Wales. However, when I came to check the available material I found that the inter-relationships between the various parties to the events prior to 1888 were so complex that to state them simply would be a task beyond me - certainly beyond me in the short time that is available this evening. So I decided to look at issues rather than discuss the details of the particular events of the time. The paper which follows is the outcome.

When looking at the issues debated in the years before the formation of the United Grand Lodge, it is, perhaps, easy to concentrate on the events which were of importance in the period immediately prior to 1877 and up till 1888. To do so, however, would be to disregard quite significant happenings of earlier date and, in particular, considerations which were influencing the minds of our Masonic ancestors at least thirty or forty years before.

The first genuine attempt to form a Grand Lodge in Australia had, in fact, taken place in 1847. At that time seven Lodges under the Irish Constitution were dissatisfied with their conditions under the Grand Lodge of Ireland, and particularly with the absence of interest amongst the Grand Lodge Officers in Australian operations. It was felt, too, that colonial Freemasonry was receiving no real or concrete return for moneys sent to Ireland, while the distance between Australia and the British Isles, and the consequent inconvenience and loss of time in travelling, precluded any visit to Australia by Grand Lodge Officers. The colonists were beginning to feel their wings, and, in the political sphere, were asserting their rights to

self-government. The spirit of WC Wentworth in the world of politics was reflected in the realm of Freemasonry. It was a spirit of self-reliance, a restive desire to cut the apron-strings and enjoy the power and privilege of independent government. The Masons under the Irish Constitution were all the more dissatisfied because their English brethren had been favoured with a Provincial Grand Master, for the RWBro GR Nichols (who figures in Australian history as the son of the colony's first postmaster) had been appointed as the Deputy Provincial Grand Master of Lodges under the English Constitution in New South Wales, South Australia and Van Diemen's Land.¹

As it happened, the move to form a Grand Lodge in Australia came to nothing. Nevertheless, it is worth noting that the grievances which motivated the Irish Lodges were not of recent duration. The Leinster Marine Lodge of Australia, which had been in existence since 1824, in passing resolutions of support for the moves, referred to 'the necessity which exists for the Grand Lodge in Australia, the want of which has long been felt by the members of this Lodge, and, in their opinion, has proved highly detrimental to the interests and prosperity thereof, as well as to the Craft in general'². Nor were they such that, despite the failure of the move to form a Grand Lodge in Australia, they were likely to go away. Indeed, it seems that the United Grand Lodge of England, with the appointment of RWBro. Nichols as the Deputy Provincial Grand Master of Lodges under the English Constitution in New South Wales, South Australia and Van Diemen's Land, was going slightly in the direction of recognition of the colonists' concerns, although not, it must be stressed going as far as accepting the heed for the establishment of a Provincial Grand Lodge. The

¹ Cramp, Karl R. and Mackaness, George: The History of the United Grand Lodge of Ancient, Free and Accepted Masons of New South Wales 2 vols.). Sydney. 1938. Vol. I, p. 48.

² Phillips, G.W.S. and Fleming, F.J.G. History of Leinster Marine Lodge of Australia. Sydney. 1939. p. 4.

grievances that the brethren of the Irish Constitution Lodges felt were to re-surface in the not far distant future and were to be remedied only by action which was to have deep implications for the Grand Lodges of England, Scotland and Ireland.

From the information available to me, it is not clear whether the moves of some of the Irish Constitution Lodges in 1847 to form a Grand Lodge in Australia reflected a general dissatisfaction within the Masonic fraternity in New South Wales concerning their position vis-a-vis the Grand Lodges of England, Scotland and Ireland. It may, however, be significant that in the same year New South Wales Lodges of the English Constitution agreed amongst themselves to make representations to the Grand Lodge of England for the formation of a District or Provincial Grand Lodge and for the appointment of a local Brother as District Grand Master or as Provincial Grand Master. The formation of a Grand Lodge in the colony was said to be 'absolutely necessary', although on what grounds is unclear. At all events, their representations were successful and the Provincial Grand Lodge of New South Wales (EC) was formed in 1849, This was greeted with some satisfaction locally for the Deputy Grand Master of the new Provincial Grand Lodge wrote shortly afterwards

I need scarcely point out to you that in the undertaking we have now in hand, difficulties of no ordinary nature have to be contended with, the very great time during which the Craft have been without any acknowledged head to whom thgy might appeal in cases of doubt; the petty squabbles and differences amongst some of the brethren, the irregularities of others and the now jealous feelings entertained towards us by Odd Fellows and others under different Constitutions, all combined to render every effort on our part necessary to be put forth, and, at the same time the greatest prudence and caution to be pursued³.

³ Cramp and Mackaness: op. cit., pp. 58-59

Evidently the English Constitution brethren were satisfied with the agreement to the appointment of an acknowledged local head who could deal with the minor problems of Lodges operating so far away from the centre. The question of independence from a Grand Lodge situated on the other side of the world and in terms of time, some eight months, minimum, between initiation of correspondence and the receipt of a reply, did not rank as a matter for concern.

The formation of a Scottish Provincial Grand Lodge followed seven years later in 1856, and by the end of 1859 there were seven Scottish Lodges at work in New South Wales. However, the establishment of a Provincial Grand Lodge and, in 1866, the appointment of a paid Grand Secretary, did little to assist the operation of the local Lodges. There were troubles of various kinds. Amongst the most disturbing of these were the neglect and dilatoriness of the Grand Lodge executive officials in Edinburgh. Complaints were continually made regarding the difficulty of securing replies to letters and certificates and other documents. The same troubles occurred in other colonies and in other Constitutions. A notable example is illustrated by the case of one New South Wales Lodge which spent four years in attempting to secure a Confirmation Warrant to replace the original which had been burnt. Matters appear to have reached a head in 1867, for on 16 May of that year the Provincial Grand Lodge resolved that the Grand Master of the Grand Lodge of Scotland be written to praying for a redress of the grievances under which the Scottish Lodges in the colony were suffering. No satisfactory reply seems to have been received. In the September following the Provincial Grand Master stated that, in consequence of a circular received from the Grand Secretary, he had written to the Most Worshipful Grand Master of Scotland concerning the grievances from which Lodges in the province were suffering. The records state that the letter, "which was very voluminous and to the purpose, created the liveliest satisfaction". One Worshipful Brother even suggested that the

Provincial Grand Secretary should accompany the letter home and read it to the Grand Lodge as he had done to the Provincial Grand Lodge in Sydney. However, it was agreed that a copy should be sent to every Scottish Lodge in the province⁴.(4)

These troubles were to continue for something like ten years. In 1872, there was a great disturbance in connection with Lodge St. Andrew, No. 358. This Lodge was suspended for contumacy in refusing to pay its dues. The result was a spate of resignations and an unsuccessful attempt to form an Independent- Grand Lodge of New South Wales. Clearly there was .af,high degree- of dissatisfaction with the Grand Lodge in Edinburgh, of an extent even to cause a break-down in fraternal relations within the Provincial Grand Lodge. Similar problems continued until 1877 when the Provincial Grand Secretary reported that “Grand Lodge still fails to give us support, which we have a right to expect”, that letters of complaint had been sent, but no satisfaction obtained. It was stated, too, that during a period of three years over E400 had been forwarded to the Grand Lodge of Scotland. The officers could not even get a supply of diplomas. Though their tenor is not disclosed in the minutes of this particular meeting, a series of resolutions was proposed and approved, which are recorded by the Provincial Grand Secretary with the *notation*: ‘*Note*, this was the first step towards the establishing of a new or second Grand Lodge in this the Senior Colony’.

Apparently the trouble with the Grand Lodge of Scotland was largely due to the inefficiency of the Grand Secretary, for when the Provincial Grand Lpdge next met, in mid-.18771 a letter was received from a new Grand Secretary promising better

⁴ *ibid.*, p. 67. See also Higstrim, William; historical Review of the Scottish Constitution of Free and Accepted Masons under the Grand Lode of Scotland in New South Wales. Sydney. 1903.

things to come. But by then, as far as a number of Lodges were concerned, it was too late. They were ready to cut the painter and they were only waiting a convenient opportunity, and that was at hand.

The Irish Lodges, too, had their problems with their own Grand Lodge. They had a body approximating in some respects a Provincial Grand Lodge in what was known as the Leinster Marine Committee, which had power to grant dispensations pending the issue of warrants, though the Grand Lodge of Ireland had refused an application for a properly constituted Provincial Grand Lodge and in early 1857 this was done. But the advantage of having their own Provincial Grand Lodge seems to have been more apparent than real to the Lodges in the colony. The feeling of neglect continued unabated. This feeling was, in fact, to be very important in influencing the attitude of the Lodges when the proposal for the formation of a Grand Lodge of New South Wales came before them.

In 1877 came the first definite step towards the establishment of what was to become the Grand Lodge of New South Wales when three Past Masters, two from Scottish Lodges and one from an Irish, called a meeting to consider 'the advisability and proper course to be pursued towards organising a Grand Lodge of New South Wales'. The meeting decided in favour of the formation of a Grand Lodge and it became clear that there was a large measure of support for the proposal. A committee, called the 'Masonic Union', was set up to develop the idea.

A 'Manifesto' circulated to Lodges inviting their support for the new Grand Lodge made its appeal on the grounds that uniformity was desirable and that the acceptance of one Constitution would eliminate existing variations in ritual. But of particular interest was that the principle was stated that if at least three Lodges agreed, a new Grand Lodge might be formed.

It will, I think, be of some advantage if at this point in what I have to say, I draw attention to the importance of the appointment of the Masonic Union to the discussion of the future of the Craft in New South Wales. It was, in fact, something of a watershed. Up to 1877, the main centre of the debate had been the relationship between the Lodges of the colony and their own Grand Lodges of England, Scotland and Ireland, as the case may be. There was no intention on the part of the local Lodges to break away entirely from their mother Grand Lodges. The Provincial Grand Lodges worked together quite amicably and the same amicable relations applied between the private Lodges. The proposal being advanced by the Masonic Union introduced a concept that, if not entirely new, was bordering on the novel - the formation of a Grand Lodge independent of the Grand Lodges of the United Kingdom. It was a concept which had been given little serious consideration by the majority of the local Lodges.

Needless to say, the idea of an independent Grand Lodge did not find favour amongst the conservative elements of the fraternity. The Provincial Grand Master of the Scottish Constitution strongly opposed the new movement; he was eager to retain the connection with the old land, and refused to take the slightest step that might savour of formation of an independent Grand Lodge. Even more uncompromising was the District Grand Master of the District Grand Lodge of England. The fundamental principle of his Masonic creed was that no action to form a Grand Lodge of New South Wales could be taken unless and until the Grand Lodges of England, Scotland and Ireland first approved. His obligation to the English Constitution was such as precluded him from taking any action which would not have the approval of the English authorities. Accordingly, in a circular to the Lodges under his jurisdiction he flatly stated that he was satisfied that the necessary elements to the formation of a new Grand Lodge did not exist,

and he warned them not to admit members of the unconstitutional body then being formed⁵.

Here then, was the central issue. On the one hand, the traditionalists were saying that no independent Grand Lodge could be formed unless the Grand Lodges of England, Scotland and Ireland were in agreement. On the other, there was a strong body of local opinion to the effect that if three or more Lodges in the colony agreed, a new Grand Lodge might be formed.

In arguing on the 'three Lodge' principle, the protagonists of the new Grand Lodge were turning to American jurisprudence and, in particular, to what has been called the 'American doctrine'. The Grand Lodge historians, Cramp and Mackaness, mention references by the Grand Master of the new Grand Lodge, Squire Farnell, to 'Brother Chase's Masonic Digest' as his authority for the principle that was advanced. I am not familiar with that particular authority, but Mackey sets out the principle clearly enough. In essence, he says that the principle states that there can be but one Grand Lodge in a state and that no Grand Lodge may 'invade' the territorial sovereignty of another, though in open territory where no such body has been formed any number of Grand Lodges may act. On this principle, a common pattern for the organisation of new Grand Lodges was based, whereby, after several Lodges, usually three or more, had been established in a state or territory by one or more Grand Lodges, such Lodges were competent to form a Grand Lodge of their own⁶.

⁵ Thomas, H.L. 'The Old Grand Lodge of New South Wales'. *AQC*, Vol 84 (1971), p. 13.

⁶ Cramp and Mackaness: *op cit* pp. 116-117; Mackey, Albert Gallatin: *An Encyclopedia of Freemasonry* 2 Vols.) New and revised edition prepared under the direction, and with the assistance, of William J. Hughan by

But, as the argument developed, the brethren favouring the new Grand Lodge introduced a second proposition, again drawing on American jurisprudence for support. This they found in another doctrine which in a sense is supplementary to the American doctrine and is usually referred to as the 'doctrine of Comprehensive Jurisdiction'. The doctrine lays down that when a Grand Lodge has been established in a state or territory, the Lodges in that state or territory owed allegiance to the new body, irrespective of whether or not they had joined in its organisation.

Now this is a doctrine which has never been accepted by the Grand Lodges of England, Scotland and Ireland. When Grand Lodges were erected in Canada, in most of the Australian States and in New Zealand, the three British Grand Lodges always made it a condition of recognition that no Lodge should be compelled to join the new Grand Lodge. Thus in New Zealand, for example, there are no less than four jurisdictions, New Zealand, England, Scotland and Ireland, all working side by side. In the opinion of the United States Grand Lodges, this is a quite impossible situation, and would not be tolerated *by* them for a moment.

Not unexpectedly, the claims of the brethren supporting the formation of the new Grand Lodge were rejected by the established Provincial Grand Lodges and *by* their mother Grand Lodges in the British Isles. It is worth quoting what Cramp and Mackaness have to say on the subject.

We have but to admit that the Masonic Digest written by Brother Chase is accepted as being authoritative in Masonic jurisprudence, and Farnell's position appears impregnable and his arguments irrefutable. The Territory of

Edward L. Hawkins. New York. 1920. Vol. 1, p. 306 under reference 'Grand Lodge'.

New South Wales was, he claimed, Masonically unoccupied for the purposes of a Grand Lodge; that being so, then the formation of a Grand Lodge within New South Wales is thoroughly in order. He claims only what Chase justifies. But the situation becomes ominous when Farnell pushes the argument to the extreme limit, and contends that once it is formed, the Grand Lodge 'at once assumes all the prerogative of a Grand Lodge, and acquires exclusive Masonic jurisdiction over the territory No Lodge can continue to exist or be subsequently established in the territory except under its authority, and all other Grand Lodges are precluded from exercising any Masonic authority within the said territory'.

The argument is certainly a startling one. The new Grand Lodge was maintaining that not only was it constitutionally established according to Chase's Masonic Digest, but by the actual creation of the new Grand Lodge - the first Grand Lodge within the territory of New South Wales - the other Lodges remaining outside its jurisdiction became, ipso facto, unconstitutional bodies. However legal the position of the older Lodges may have been before 1877, the existence of the new Grand Lodge deprives them of the right to continue their existence unless they elect to come within the jurisdiction of the new Grand Lodge. In short, a small minority was actually claiming the right to dictate terms to the great majority who had hitherto enjoyed constitutional security, and was challenging its right to continue its existence. However theoretically sound its position may have appeared to be, it was, to say the least, ignoring a more fundamental consideration than jurisprudence - the right of the majority. After all, man was not made for the law, but law for the man, and a majority which has for decades enjoyed constitutional security and propriety cannot, and will, not suddenly surrender itself to a minority that as a corporate body has just sprung into being. The stability of social institutions cannot thus be rudely undermined or set

aside. Naturally a challenge so extreme and sweeping as this had to be accepted and the claims thus put forward were destined to disturb the peace, love and harmony of Masonic circles for the next decade⁷.(7)

We may or may not agree with Cramp and Mackaness as regards the extreme nature of the position taken by the founders of the new Grand Lodge. It is possible to argue, for instance, that if a cause is just and established institutions are so entrenched that recognition of that cause becomes virtually unobtainable, then more extreme action is required. British history provides a famous example in the action taken against the King of England to enforce his signature of the Magna Carta. This may, in fact, have been the view of the brethren supporting the formation of the new Grand Lodge of New South Wales. But whatever the rights or wrongs of the argument, the Grand Lodge of New South Wales came into being. Its emergence raised two more issues - firstly, what were to be the relationships between the several bodies? and, secondly, what was the new Grand Lodge to do in the matter of recognition by Grand Lodges in other jurisdictions?

As to the relationship between the various Masonic bodies in New South Wales, this question evoked what may be regarded as a very sorry state of affairs in the history of the Craft in the colony. To the District or Provincial Grand Lodges, the members of the Lodges forming the Grand Lodge of New South Wales were 'spurious' Masons' men beyond the pale. To the members of the new 'Grand Lodge, the members of the Lodges belonging to the British District and Provincial Grand Lodges had no constitutional status. Neither side was prepared to yield. The result was disharmony, with the sufferers being the individual Masons and their relatives. Let me give some examples of the consequences:

⁷ Cramp and Mackaness : op. cit., pp. 117-118.

One Brother, a Past Master of a Scottish Lodge, was denied a Masonic burial because some time previously he had visited in a country district a Lodge operating under the New South Wales Constitution⁸. In 1884 a Worshipful Brother, also of the Scottish Constitution, was required to answer the following questions

1) Did you attend a ceremonial of opening the New Masonic Hall in Castlereagh Street?

2) Did you attend such Ceremonial in Masonic regalia?

No reply having been offered to these questions, action in the interests of Masonic discipline became inevitable, and the Provincial Grand Lodge unanimously resolved to expel the offending Brother from all rights and privileges of the Craft for having appeared in unauthorised Masonic clothing in the unrecognised movement by the unrecognised so-called Grand Lodge of New South Wales⁹. The arguments were not confined to the senior levels of the governing bodies of the Craft but permeated individual lodges. Within Lodge Abercorn, No. 7 on the register of the Grand Lodge of New South Wales, and meeting at Nowra, 160 km. of Sydney, there were heated disputes which concerned entertainment for the brethren. So serious and personal did they become that they led to repeated rejection of candidates. In 1884 a compromise was reached and it was decided to hold a cricket match with the brethren of Lodge Milton, No. 13 on the register of the Grand Lodge of New South Wales and meeting some 60 km. further south.

⁸ *ibid.*, p. 122.

⁹ *Ibid.*

However, this did nothing to restore harmony as the conduct of some of the members was such that two names were submitted for exclusion from the Craft¹⁰.

Concerning recognition by Grand Lodges in other jurisdictions, the attitudes of the Grand Lodges generally revealed caution. The new Grand Lodge of New South Wales wrote to Grand Lodges throughout the world seeking recognition. Initially the responses were rather slow, and there was a degree of sympathy with the view that the interests of the majority should be protected. Gradually, however, agreement was forthcoming, particularly as might have been expected, from American Grand Lodges, and then from countries such as Canada, Cuba, Spain and Italy. By early 1888, no less than forty-two of the seventy-five Grand Lodges in the world had granted recognition and the new Grand Lodge was in fraternal communication with fourteen others.

In the meantime, between 1877 and 1888, more and more local Lodges joined the Grand Lodge of New South Wales. By 1885, the total had reached fortythree. Three years later, the figure was fifty-one. Thus, despite the opposition of the Provincial Grand Lodge of Scotland and the District Grand Lodge of England and any lingering doubts about recognition by Grand Lodges in other jurisdictions, the Grand Lodge of New South Wales was growing rapidly in strength.

It is not my aim this evening to relate the events which led to the formation of the United Grand Lodge of New South Wales. My concern has been with issues. Suffice it is to say that the work of the Governor of New South Wales, Lord Carrington, was central to the resolution of the difficulties. The United Grand Lodge of England and the Grand Lodge of

¹⁰ Cumming, Grahame: *The Foundations of Freemasonry in Australia*. Sydney. 1992. p. 21

Scotland never formally recognised the principle that where there was no Grand Lodge in a territory, the local brethren could form their own Grand Lodge. Especially did they not accept that the formation of a local Grand Lodge would exclude an overseas Grand Lodge from operating in that territory. Rather, those two Grand Lodges simply accepted the inevitable and acquiesced in the formation of the United Grand Lodge of New South Wales.

The situation was further relieved by the resignation, shortly before the consecration of the United Grand Lodge, of the chief opponent to its formation, the District Grand Secretary of the District Grand Lodge of England. With his removal from the scene, opposition, or at least strongly voiced opposition, ceased. The United Grand Lodge of New South Wales was established at the formal meeting on 16 August 1888 in the manner re-worked by our Goulburn brethren, without 'let or hindrance.'