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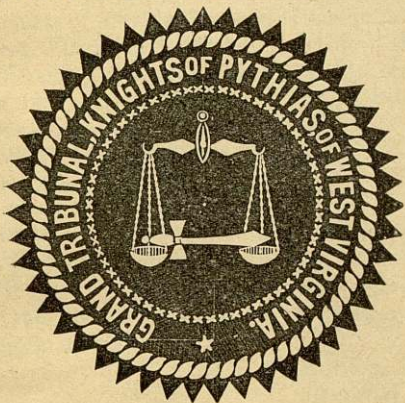
RULES
OF THE
GRAND TRIBUNAL



KNIGHTS OF PYTHIAS,
WEST VIRGINIA,
1898.



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At the sitting of the Grand Tribunal Knights of Pythias, Grand Domain of West Virginia, held in the City of Sistersville, State of West Virginia, on the 13th day of October, A. D., 1898, Pythian Period XXXV; present:

W. H. Dunbar, Chief Tribune;

D. Zane Phillips, }
Frank C. Reynolds, } Tribunes.

Ordered that the following rules as published by authority of the Grand Tribunal, by the Recorder, be the rules of the Grand Tribunal in the matters therein specified.

L. V. G. MORRIS,
Recorder.

Original Jurisdiction.

1. The moving party, seeking relief of the Grand Tribunal, shall be known as the "Plaintiff."
2. The statement of facts presented by the Plaintiff, and upon which he founds his prayer for relief, shall be known as the "Complaint."
3. The party against whom the complaint is made, shall be known as the "Defendant."
4. Defendant's statement of facts upon which he relies as a defense to the allegations of the Complaint, shall be known as the "Answer."
5. A Demurrer may be filed upon the ground that the facts alleged are not sufficient to constitute an offense, provided the grounds of demurrer shall be specifically set out.

6. Whenever an objection is made to the contents of any pleading filed in a cause, which cannot be reached by demurrer, it may be objected to by motion.

7. Amendments to pleadings may be made, but after plea, demurrer or answer, it must be for good cause shown, and the party seeking to make the amendment must serve the opposite party with a copy of the proposed amendment, at least one day before filing the same.

8. Pleadings, hearings and trials, except as by Rule or Statute otherwise provided, shall be governed by the rules and procedure of the Supreme Court of Appeals of West Virginia.

9. All pleadings shall be legibly printed or written, and, in addition to the original Complaint, as many copies thereof shall be filed with the Recorder as there are parties to be served therewith under these rules and the Statutes,

together with postage for mailing the same.

10. If the Plaintiff fail to file with his Complaint a sufficient number of copies thereof, as required by these Rules, the Recorder may prepare such copies at the proper cost of the plaintiff, charging therefor at the rate of fifteen cents per folio; but he shall not be required to do so unless the proper fee and postage first be paid.

11. No Complaint or other pleading which embraces a statement of facts upon which an action or defense is based, shall be filed or considered, unless such pleading be verified by the Pledge of Honor of the party so pleading, and substantially in the manner and form following, to-wit:

“The Grand Tribunal, Knights of
Pythias, within the Domain of the
Grand Lodge of West Virginia.

I..[name of party]..the..[Plaintiff or

Defendant]..in the foregoing.. [style of pleading]. named, upon my Honor as a Knight, do hereby affirm that I have read the foregoing.... [style of pleading] .. and know the contents thereof, and that I verily believe that the statements therein made are true and accurate.

Witness my hand and Pledge of Honor,
 this....day of....A. D., 18 ... P. P.
 XXX.....

[Signed].....”

If the pleading be in the name of a Subordinate Lodge the verification shall be made by the Chancellor Commander and shall be attested by the Keeper of Records and Seal with the Seal of the Lodge attached.

12. The Plaintiff in his complaint shall state the place of residence and usual post office address of the Defendant, and each of them, if there be more

than one. If the Defendant be a Subordinate Lodge, the Plaintiff shall state in his Complaint the name of the Chancellor Commander and his place of residence and usual post office address. The Plaintiff shall also state in his Complaint his own place of residence and usual post office address, the name, number and location of the Lodge of which he is a member, and, if the Plaintiff be a Subordinate Lodge, the name of the Chancellor Commander, with his place of residence and usual post office address.

13. When the Complaint has been properly filed with requisite copies thereof, and postage therefor, the Recorder shall, without unnecessary delay, deliver or forward a copy thereof, duly authenticated over his official signature and the seal of the Grand Tribunal, to each party defendant, by registered mail, and at the same time and in the same manner, shall

notify said parties defendant and each of them, of the pendency of the action, the time when said cause will be placed upon the trial docket of the Grand Tribunal, and the time within which said Defendant or Defendants is or are required to answer, which said notice shall in manner and form be substantially as follows, to-wit:

“The Grand Tribunal Knights of Pythias, of West Virginia. In the name of the Grand Chancellor, Knights of Pythias, of West Virginia, greeting:

To .. [name of defendant or defendants]
 .. Defendant , you are hereby notified
 that .. [name of Plaintiff or Plaintiffs]
 Plaintiff .. ha filed a Complaint ad-
 dressed to the Grand Tribunal of the
 Order of Knights of Pythias, complain-
 ing of you the said ... [name of Defend-
 ant or Defendants] as Defendant
 and praying that relief be granted in the
 premises by the Grand Tribunal, a duly

authenticated copy of which Complaint, as the same remains on file and of record, is attached hereto. You are hereby required to appear and answer said Complaint on or before twenty days after the date hereof, at the expiration of which time, said cause will be placed upon the Trial Docket of said Grand Tribunal, and stand for hearing.

Witness the Honorable... Chief Tribune
of the Grand Tribunal of Knights of
Pythias, Grand Domain of West Virginia,
at the city of.....in the State of West
Virginia, United States of America, this
.... day of.... A. D., 18.... P. P. XXX..
[Seal] [Signed].....
Recorder."

Such notification shall be of the date of the actual mailing thereof.

14. Immediately upon the filing of any pleading, demurrer or motion, the Recorder shall, by registered mail, notify the adverse party or parties of

such fact, and such notification shall be of the date of the actual mailing thereof. The Recorder shall furnish such adverse party or parties with an authenticated copy or copies of such pleading, demurrer or motion, upon request so to do, accompanied by the amount of the proper fee and postage therefor.

15. The Plaintiff shall have twenty days after the date of the mailing of the Recorder's notice to him of the filing of the Defendant's answer, within which to plead thereto.

16. The Defendant shall have twenty days after the date of the Recorder's notice of filing of Plaintiff's reply within which to plead thereto.

17. Demurrers and interlocutory motions may be heard, considered and ruled upon in chambers; and for the purpose of expediting pending causes, the Chief Tribune may make and enter

his orders of the Grand Tribunal, requiring the parties to submit their arguments in writing upon such demurrers or interlocutory motions, filing four copies of the same in the office of the Recorder on or before a day in such order to be named. Immediate notice of such order shall be given by the Recorder to the parties to the record, personally or by registered mail. Upon the pleadings and arguments so filed, and the concurrence of two of the Tribunes, the rule of the Grand Tribunal may be made and entered in chambers.

18. The trial of causes shall be governed and conducted in accordance with the usually accepted rules of evidence.

19. The substantial rights of the parties shall at all times be considered a matter within the discretion of the Grand Tribunal, as against any hardship imposed by technical rules.

20. The allegations of a pleading shall be liberally construed with a view of substantial justice between the parties.

21. The time for filing pleadings may be extended by agreement of the parties or by permission granted by the Grand Tribunal.

22. Where a real controversy actually exists between two or more parties, the subject matter of which controversy is within the original or exclusive jurisdiction of the Grand Tribunal, the parties may submit the case to the Grand Tribunal upon an agreed statement of the facts and of the issues in the case. Said record in all cases shall be reduced to writing and be signed by all the parties thereto and shall contain:

a. A clear and succinct statement of all the facts that pertain to the controversy.

b. A concise statement of the questions at issue between the parties.

c. A pledge of the parties upon their Knightly Honor that the controversy is a real one and actually exists and that the same is submitted in good faith for the judgment of the Grand Tribunal.

d. It must show that the parties submitting the same embrace all parties that are materially interested in the questions involved.

e. If a Subordinate Lodge be a party it must be signed by the Chancellor Commander, attested by the Keeper of Records and Seal, under the seal of the Lodge.

f. It must show the residence and post office address of each party, and in the case of a Subordinate Lodge, its number and location.

Appellate Jurisdiction.

23. Transcripts of the record transmitted to the Grand Tribunal on appeal

or proceedings in error, shall be authenticated by the officer charged with the custody of the official record, in manner and form substantially as follows, to-wit:

“The Order of KNIGHTS OF PYTHIAS, within the Domain of the Grand Lodge of West Virginia.

I ... [name and style of officer] hereby certify that the foregoing pages contain a full, true and accurate transcript of the record in the case of [name of Plaintiff] ... vs. ... [name of Defendant] .. lately pending in ... [name of forum in which case was tried] ... as the same remains of record and on file in my office. In testimony Whereof, I have hereunto set my hand, and affixed the seal of ... this, the .. day of ... A. D., 18.. P. P. XXX ..

[Signed]

[Seal]

[Official Title] ...”

If the certifying officer be the official custodian of the seal of his Lodge or has

a seal in his official capacity, it should be affixed to the foregoing certificate.

24. Service of notices upon the adverse party of the filing of the transcript and assignment of errors and the making of application for the writ of error, shall be by leaving with the adverse party personally, or if the adverse party be a Lodge, then with its presiding officer, a full, true and complete copy of such assignment of errors, together with a written notice of the time and place of filing the same and making application for a writ of error; or service may be had by sending by registered mail the copy of the assignment of errors and notice aforesaid to the adverse party, or if the adverse party be a Lodge, to the presiding officer thereof, at the usual post office address of such party or presiding officer.

25. Within twenty days after the filing of the assignment of errors, the

Plaintiff in error shall file with the Recorder four copies of his brief, and at the same time shall serve upon, or mail to, the adverse party or his attorney of record, one other copy of such brief and within twenty days thereafter, the Defendant in Error shall file with the Recorder four copies of his brief, and shall, at the same time, serve upon, or mail to, the opposite party or his attorney of record, one other copy of such brief. Briefs shall be legibly written or printed.

26. Causes which have matured shall be set for hearing in the order of their entry upon the Trial Docket. Such causes shall be submitted upon oral arguments and brief or upon briefs alone. Whenever the time has expired for the filing of briefs, a cause shall be held as matured within the meaning of this rule, and such cause may be considered by the Grand Tribunal in all

respects as if briefs had been filed and a judgment, order or decree made upon the merits thereof, as presented in the record, or the Grand Tribunal may dismiss the same for a failure to file briefs.

27. A party who has failed to or refused to file briefs as required by these rules, cannot be heard upon the presentation of the cause in which such default occurred, except by permission of the Grand Tribunal.

28. A cause shall not be considered as determined until a decision has been rendered and judgment entered in accordance therewith.

29. A mandate shall not be issued until after the expiration of a period of twenty days after the decision of the Grand Tribunal and the entry of the judgment thereof; and immediately after the expiration of such period, the Recorder shall transmit to the tribunal below, the mandate of the Grand Tribunal.

30. Immediately upon the entry of a final judgment, order or decree, the Recorder shall, by mail, notify the parties in interest or their attorneys of record, of the decision of the Grand Tribunal.

31. Applications for re-hearing shall be by petition addressed to the Grand Tribunal, signed by the party or his attorney of record, which petition shall briefly state the points wherein it is alleged that the Grand Tribunal has erred. Such petitions shall be filed within twenty days after the decision complained of has been rendered, and shall be accompanied by six copies of a legibly printed or written brief of the points and authorities relied upon.

32. The filing of a petition for a re-hearing shall not suspend proceedings under the decision complained of, unless the Grand Tribunal, or one of the Tribunes thereof in vacation, shall so order.

33. If a petition for a re-hearing be filed, the Grand Tribunal may require that the adverse party shall be served with a copy of the petition and brief by the moving party forthwith, and the adverse party shall have such time within which to answer the petition and brief of the petitioner as the Grand Tribunal may direct.

34. In order to prepare a case properly for submission, when called before the Grand Tribunal, each party shall file a brief of the points relied on in accordance with, and confined to the distinct question raised in the record, each ground of error insisted on being separately presented and numbered in the order in which they appear in the record. Each point shall be stated in the form of a proposition. Briefs shall be accompanied by an introductory statement of the nature and result of the litigation and a succinct statement of the facts, so

far as may be necessary to a proper and intelligent understanding of the points presented. Facts which are uncontroverted shall be so stated. Where the testimony is believed to be conflicting on any question of fact, this must be stated. The statement of facts, as such, must be made without any intermixing of arguments, reasons, or inferences.

The Recorder.

35. The duties of the Recorder, except as may be hereinafter specifically provided, shall be such as are usually incident to the office of Clerk of a Court of Law, so far as the same are applicable to the transactions, business and affairs of the Grand Tribunal Knights of Pythias of West Virginia.

36. Before entering upon the discharge of his duties, the Recorder of the Grand Tribunal shall take and subscribe to the following obligation:

“I..[name of the Recorder]..having been appointed Recorder of the Grand Tribunal, do solemnly pledge my Knightly Honor that I will support the Supreme Constitution of the Order of Knights of Pythias, and the Grand Constitution of the Order of Knights of Pythias, in the Domain of West Virginia, and that I will faithfully perform and discharge all the duties of Recorder of Grand Tribunal of the Order of Knights of Pythias in the Domain of West Virginia, to the best of my ability. So help me God.”

This obligation may be administered by any member of the Grand Tribunal, and shall be filed among the official records of the Grand Tribunal.

37. The Recorder, under the direction of the Grand Tribunal, shall be the custodian of the seal, archives, records and files of the Grand Tribunal, and under its direction shall provide for the safety

and proper preservation thereof.

38. The office of the Recorder of the Grand Tribunal shall be at the city of Parkersburg in the State of West Virginia, or at such place as the Grand Tribunal may direct.

39. The Recorder is authorized to make and certify to, over the seal of the Grand Tribunal, transcripts of the records of the Grand Tribunal, and copies of original papers on file in the office of the Recorder, and shall be entitled to charge and collect therefor at the rate of fifteen cents per folio for such transcripts or copies, which fee shall include the certification.

40. The Recorder shall endorse on all papers or documents filed with him, the date of such filing.

41. The Recorder shall keep in his office a Trial Docket, in which he shall enter as of the date of receipt a brief

memoranda of all petitions, transcripts and assignments of error filed in his office, together with the names of parties and addresses, names of attorneys and addresses, appearances of attorneys, nature of action and the issue for hearing before the Grand Tribunal, date of notice to the defendant of the pendency of causes, date of "docketing" made under the statute, notices sent, action of Tribunal, in brief, upon interlocutory and main questions, so as to form a chronological brief of the history of the cause from the date of the filing of the complaint to the entry of final judgment, decree or final order. He shall also keep a journal of the proceedings of the Grand Tribunal, in which shall be recorded the official rules, orders and acts of the Tribunal, both in term time and in vacation. Such journal, when approved by the Tribunal and signed by the Chief Tribune, shall be the official record of the Tribunal. The Recorder

shall keep such other books of record and account as may be necessary or advisable for the proper record and conduct of the affairs of the Grand Tribunal and the Recorder's office. All of the books aforementioned shall be of the records of the Grand Tribunal and subject to its direction and control.

42. At least thirty days prior to any sitting of the Grand Tribunal, the Recorder shall by mail officially notify the Grand Chancellor and parties interested in causes pending before it of the time when and the place where such sitting of the Grand Tribunal will be held.

42a. As causes mature in the Grand Tribunal, it shall be the duty of the Recorder, beginning in the order of seniority, to assign such causes to the members of this Tribunal for consideration and decision, and shall transmit to the Tribune to whom the case is assigned all the papers and other things

pertaining thereto; provided, that if in the orderly assignment of such cause a Tribune is interested in the cause which would fall to him, then such cause shall be assigned to the next Tribune in rank, and the first cause thereafter maturing shall be assigned to the Tribune interested in the previous cause.

General Provisions.

43. In all cases, either party may be represented by counsel of his own selection, who shall be a member of the Order in good standing.

44. All notifications required by these rules to be given may be served upon the proper attorney of record, if the party or parties be represented by attorney, to the same effect as if served upon the party or parties individually. All such notifications may be served by the party whose duty it is to give notice or at his request the same may be served by

any Knight of Pythias in good standing, who shall certify in his return thereof, upon his Pledge of Honor, as to the date, hour and manner of such service and to his standing in the Order.

45. Proof of service or notices required to be given by these rules and the Statutes may be by the written acknowledgment of the party served; or the return, in writing, upon pledge of honor, by the party making service, reciting the particulars of such service as to time, place, manner and parties. If the service be had by registered mail, in addition to the return aforesaid, all registry receipts must be attached thereto.

46. Opinions filed by the Tribunal or members thereof, announcing the decision of the Tribunal, or dissent therefrom, on any matter brought before the Tribunal for its action, shall be subject to inspection and examination by parties having a general interest therein regardless

of their personal interest on the occasion of the original presentation of the subject matter.

47. The Records of the Grand Tribunal, including files of cases, shall be open to inspection by parties in interest, and in no case shall the records be removed or the files withdrawn, in whole or in part, from the office of Recorder, except upon the order of the Grand Tribunal, or the written order of a Grand Tribune.

48. The annual sitting of the Grand Tribunal shall be held on the day before the annual meeting or convention of the Grand Lodge, Knights of Pythias of the Domain of West Virginia, at such city or town in said Grand Domain in which the said Grand Lodge will, on the following day, convene in annual session. Other sittings may be held at such other times and places in the discretion of the

Grand Tribunal as may be necessary for the dispatch of business.

49. The foregoing rules may be changed, amended, modified or repealed in the discretion of the Grand Tribunal.

A Copy.

Attest:

L. V. G. MORRIS,
Recorder.

