

COMMONWEALTH OF THE BAHAMAS

IN THE SUPREME COURT

Common Law & Equity Division

Claim No. 2021/CLE/gen/00490

BETWEEN

BASIL DAMIANOS

Claimant

AND

DE'WAYNE RICHARDSON

**(In his capacity as Supreme Grand Master of Modern Free and Accepted Masons of the
World, Inc Ancient and Accepted Scottish Rite Freemasonry)**

Defendant

Before: The Honourable Chief Justice Sir Ian R. Winder

Appearances: Kelsie Munroe for the Claimant
Damian Gomez, KC with Monique Gomez for the Defendant

Hearing date(s): 16 December 2021, 2 March 2022, 23 May 2023, 11 September 2025 and
3 June 2026

JUDGMENT

WINDER, CJ

This is the claim of the Claimant (Damianos) challenging his suspension and removal from office as Grand Master of Modern Free and Accepted Masons of the World, Inc Ancient and Accepted Scottish Rite Freemasonry (the Lodge) by the Defendant (Richardson).

[1.] Damianos commenced the action by Originating Summons on 9 April 2019 seeking the following relief:

- 1) A Declaration that he was denied due process of law;
- 2) A Declaration that the removal from office by Richardson was ultra vires and therefore null and void;
- 3) A Declaration that the suspension by Richardson was ultra vires and therefore null and void;
- 4) An Injunction restraining Richardson from further ultra vires acts;
- 5) Further or other reliefs the Honourable Court deems fit in the circumstances.

[2.] Damianos filed an affidavit on 10 April 2019 in support of the claim. The affidavit is summarized in the following paragraphs.

[3.] Damianos deposes that he is the Applicant and a member in good standing of the Lodge, an organisation with lodges in the United States, Canada and The Bahamas. He is a member of King Hiram Lodge #1077 in The Bahamas, under Mecca Grand Lodge, and is also the elected Grand Master of Mecca Grand Lodge. He states that he is familiar with its Constitution and By-Laws. Richardson is the Supreme Grand Master of the organization and resides in the United States of America.

[4.] Damianos further states that, in April 2019, Richardson accused him of incompetency, neglect of duty and contumacy. Based on those accusations, Richardson found him guilty without a forum, hearing, or charge of any Masonic offence. Richardson then removed him as Grand Master and unlawfully suspended him for not less than 364 days.

[5.] Damianos contends that Richardson failed to comply with the laws governing the organization and the rules of natural justice.

[6.] Richardson filed an affidavit in response on 20 January 2021. The affidavit is summarized in the following paragraphs.

[7.] Richardson states that he is the Supreme Grand Master of the Lodge. He says he is familiar with the Constitution and By-Laws of the Supreme Grand Lodge, and has oversight of Mecca

Grand Lodge, under which King Hiram Lodge #1077 in The Bahamas falls. He says Damianos, as Grand Master of Mecca Grand Lodge, was expected to know and comply with Mecca Grand Lodge's Constitution and By-Laws.

[8.] In April 2019, Richardson says he learned that Damianos was collecting monies, depositing funds, writing cheques and managing financial matters contrary to the Constitution. He says the Grand Secretary was responsible for collecting dues, keeping accounts, recording Grand Lodge and Grand Chapter transactions, and remitting funds to the Grand Treasurer. Richardson says he told Damianos that appointing a Grand Financial Secretary to collect funds was contrary to the governing documents and directed him to cease and desist.

[9.] Richardson further says that Damianos failed to comply, personally received cash and issued receipts for funds due to the Grand Lodge. Relying on his duty and authority as Supreme Grand Master to enforce the Constitution and orders of the organization, Richardson says he invoked Article VII, section 12, removed Damianos as Grand Master for incompetency and neglect of duty, and suspended him from the Lodge for not less than 364 days. Damianos did not appeal the ruling made on 8 April 2019.

[10.] Richardson states that the Supreme Grand Forum met in New Orleans from 24 to 30 June 2019, considered the charges against Damianos, and found that he had willfully violated the authority of the Supreme Grand Master and the Supreme Grand Lodge's Constitution and By-Laws. Richardson says that the Grand Secretary later published the ruling that Damianos was expelled effective 30 July 2019.

[11.] Richardson says that, on 10 July 2019, he pardoned Damianos and commuted the expulsion to time served, but did not restore him as Grand Master. He relies on Article VI, section 16 as authority and maintains that all his actions were within the powers granted by the Constitution and By-Laws.

[12.] Damianos responded to Richardson's affidavit and filed an affidavit in response on 5 February 2021. The affidavit is summarized in the following paragraphs.

[13.] Damianos says Richardson knew that the elected Grand Secretary lived in Grand Bahama while most members were in New Providence, which made it difficult for dues to be paid promptly and for the organization to operate efficiently. He says that, relying on Article II(5) and Article VI, section 2 of the Mecca Lodge By-Laws, he appointed a Grand Deputy for the welfare of the members. He denies appointing a Grand Financial Secretary, as Richardson alleged, and says he was never told that such an appointment was prohibited. He further says his actions were comparable to Richardson's appointment as Supreme Deputy in The Bahamas to collect dues for the Supreme Grand Lodge because the Supreme Grand Secretary was outside the jurisdiction.

[14.] Damianos states that, in April 2019, Richardson accused him of incompetency, neglect of duty and contumacy. He says Richardson found him guilty without convening a forum to investigate, giving him an opportunity to be heard, or charging him with any Masonic offence. He maintains that his removal as Grand Master and suspension were unlawful, did not comply with Article VII, section 12, and that the section gave Richardson no authority to suspend him or any other member.

[15.] Damianos further says he could not appeal internally because Richardson controlled the organisation and its functions, which led him to bring the present court proceedings. He also says that, while suspended, new charges were brought against him at the Quadrennial Session on 26 June 2019 without notice or an opportunity to be heard. He alleges that Richardson acted as prosecutor in his own cause, that the Supreme Grand Forum accepted Richardson's complaint, found him guilty on all new charges, and ordered his expulsion.

[16.] At the trial, Damianos gave evidence in his case and Richardson gave evidence in his case. Their affidavits served as examination in chief, and they were subject to cross-examination.

[17.] When cross-examined Damianos' evidence was as follows.

[18.] Damianos accepted that he was familiar with the constitution and byelaws governing the organization. He accepted that the Supreme Grand Master had general supervisory powers, access to records, and power to remove officers after due investigation. He accepted that proper financial records were important, particularly because financial standing affected voting/proposal rights and death benefit entitlements. He admitted that he collected monies, deposited funds into the bank account, and issued receipts. He denied that Richardson had confronted him in April 2019 about collecting/depositing monies or told him to cease and desist.

[19.] Damianos accepted that he had not produced certain earlier byelaws or local laws/byelaws on which he relied. He accepted he did not appeal to the Supreme Grand Forum, explaining that prior appeals had allegedly not been heard and that he assumed an appeal would be ignored. He also accepted in cross-examination that the Supreme Grand Lodge constitution vested broad powers in the Supreme Grand Master, including executive powers, supervision of officers, access to records, power to deputize, and power to remove officers.

[20.] Damianos accepted familiarity with the removal power in Section 12, which gave the Supreme Grand Master power to remove officers for neglect of duty, immoral conduct, or incompetency after due investigation.

[21.] Damianos accepted that, as Grand Master, he had duties to supervise the order over which he was Grand Master and to sign orders and other documents such as cheques and general orders. He accepted that he had power to appoint deputies and fill vacancies, and also power to remove officers under his administration for neglect of duty, immoral conduct, and incompetency after due investigation. He also accepted that he was required to report monthly to the Supreme Grand Master and account for the state of the lodge but said he did not lay official acts or recommendations before the Grand Lodge because he had been suspended before having the opportunity to do so.

[22.] Damianos initially resisted the proposition that the Grand Treasurer was responsible for keeping detailed books and member contribution records, stating that the Grand Secretary held the source-of-funds information, while the Grand Treasurer merely received the money or cheque. However, he accepted repeatedly that accurate financial records were important. He agreed that the requirement of good financial standing made accurate books and accounts important. He also accepted that, if the Supreme Grand Master obtained information causing concern about the accuracy of financial information, the Supreme Grand Master had a duty under the constitution to look into the matter. Damianos further accepted that proper financial records were important because only financial members could make proposals and because death benefit entitlements depended on whether a member was current, in arrears, or eligible based on years of contribution.

[23.] Damianos denied that Richardson had confronted him in April 2019 about collecting and depositing funds, but he admitted that he was in fact collecting monies and depositing funds into the bank account. He also admitted that he issued receipts on behalf of the lodge to members who paid him. At the same time, he denied the allegation that Richardson had advised him that his conduct was contrary to the byelaws or told to cease and desist from collecting monies and making deposits.

[24.] Damianos' affidavit position was that the elected Grand Secretary resided in Grand Bahama, while most members were in New Providence, creating difficulty in having dues paid in a timely fashion. Cross-examination challenged this by asking whether Mecca Grand Lodge had a building, meeting halls, administrative space, and scheduled meetings where dues could be paid or collected. Damianos accepted that there was a building, two meeting halls, and an administrative office, though the office was not run daily. He said members paid dues during meetings and that dues and assessments were generally paid through local lodges before Grand Lodge meetings, with local secretaries and treasurers doing the initial work before remitting to the Grand Lodge. When asked where that system was memorialized, Damianos said it was in the local laws/byelaws, but admitted those had not been disclosed in the proceedings.

[25.] Damianos' evidence was that he became aware of his suspension when he received the removal/suspension documents dated 8 April 2019. He relied on a Mecca Grand Lodge

byelaw/constitutional document but admitted the copy he produced was unsigned and lacked signature provisions, and he did not obtain it from the current Grand Secretary. He accepted that as Grand Master he had reporting duties, including monthly reports to the Supreme Grand Master, but acknowledged he produced no written reports and did not submit them in the proceedings. He further admitted that although the Grand Secretary and Grand Treasurer had formal duties to keep accounts, receipts, and financial records, he did not request or produce those records, even though he knew they existed.

[26.] Damianos denied appreciating that the dispute concerned his receipt of funds, despite having read Richardson's affidavit alleging improper collection and handling of monies. He attempted to distinguish dues from assessments, claiming he collected assessments, but admitted he had not produced the assessment documentation. He justified his actions by saying the Grand Secretary lived in Freeport and the Nassau lodges needed assistance, and that members found it easier to deal with him. In reexamination, he said he had previously assisted the Grand Secretary in collecting funds without objection, but supporting documents were not disclosed and the Court curtailed that line of evidence.

[27.] When cross-examined Richardson's evidence was as follows.

[28.] Richardson's affidavit alleged that, sometime in April 2019, he became aware that Damianos was collecting monies, depositing funds into a bank account, writing cheques, and presiding over matters prohibited by the constitution. When asked how he became aware, Richardson said he first received telephone calls from brothers in Nassau. He said he was told that members were being approached for cash, including on boats, in the streets, and outside lodge meetings.

[29.] Richardson said his proof ultimately came from his own conversation with Damianos. According to Richardson, Damianos admitted collecting funds and making deposits. He said Damianos told him that, in The Bahamas, if someone owed money and was seen with money, "you get it right away." Richardson said the time between receiving the complaints and speaking with Damianos was probably "within a day, if not hours." Damianos' counsel put to Richardson that the conversation never happened. Richardson denied that and maintained that it did happen.

[30.] Richardson's evidence was that he advised Damianos that it was contrary to the constitution and byelaws for him to appoint a Grand Financial Secretary to collect funds. He said he personally flew to The Bahamas and held a meeting with the Grand Lodge, at which Mr. Munroe, Damianos' counsel was present. At that meeting, Richardson said he told Damianos and the members that Damianos could not appoint a Grand Financial Secretary, but that he could remove the Grand Secretary if the Grand Secretary was unable to perform his job because of incompetence or neglect of duty. He said a young man at the meeting stood up and identified himself as the Grand Financial Secretary appointed by Damianos. Richardson did not know that

person's name, but said the person was in Damianos' personal lodge. Richardson said he explained at the meeting that there was no such office as Grand Financial Secretary in a Masonic Grand Lodge, and that all money had to be handled by the Grand Secretary.

[31.] When cross-examined about the difference between "Grand Financial Secretary" and "Deputy Grand Financial Secretary," Richardson said the "deputy" terminology came from Damianos. According to Richardson, he called Damianos to ask if the situation had been rectified, and Damianos said he had appointed or employed a deputy. Richardson said he told him he could not appoint a deputy to collect funds. Richardson admitted that he did not know the names of either the alleged Grand Financial Secretary or Deputy Grand Financial Secretary.

[32.] Ultimately, Richardson's evidence was that Damianos had no authority to create a separate financial-collection role and that the alleged appointment was a key reason for his intervention. However, he could not name the person allegedly appointed. Damianos' counsel focused on whether Richardson had evidence, beyond the alleged conversation, that Damianos deposited funds into bank accounts or wrote cheques. Richardson said his evidence was Damianos' "personal confession" during their conversation. He maintained that the conversation occurred, despite counsel putting to him that it did not.

[33.] Richardson's affidavit said he invoked Article 8, Section 12 of the constitution and byelaws to remove Damianos as Grand Master for incompetency and neglect of duty and to suspend him from the lodge for not less than 364 days. Counsel read the relevant section to Richardson, which provided for removal of officers for neglect of duty, immoral conduct, or incompetency after due investigation. Richardson was asked what investigation he conducted before making the decision. Richardson's answer was that he called Damianos and asked him whether the allegations were true, and Damianos said they were. When pressed further, Richardson said his "satisfactory proof" was Damianos personally telling him that he had done it. He elaborated that he had received complaints from members, then called Damianos. He said that if Damianos had not admitted the allegations, he would have required the complainants to provide additional proof. But because Damianos allegedly admitted it, Richardson considered the investigation complete.

Discussion, Analysis and Disposition

[34.] The relevant constitutional provisions with govern the relationship between the parties were the following:

Article III of the Constitution and Bye-laws of Lodge provides as follows:

Authority

"The absolute authority of the organization shall be vested in a Supreme Grand Lodge, hereinafter empowered to established, or came to be established , a Grand Lodge, Grand Chapters, Subordinate Lodges and Chapters, Junior Departments, High Degree

Departments, Burial Associations, Investments Departments, and other departments, branches or associates that may best serve the interest of our members, provided they do not violate the laws of the states nor the countries in which they are registered. “

Article IV of the Constitution and Bye-laws of Lodge provides as follows:

THE SUPREME LAW

“ The Supreme Law of this order is that the Supreme Grand Lodge shall possess the power and authority to form a Constitution and enact such statutes from time to time for its administration. To amend, repeal, set aside, and to change this Constitution or statutes as necessary for the government of Modern Free; provided that the Ancient landmarks of this institution is kept inviolate.”

Section 10-12 of the Constitution and Bye-laws of Lodge provides as follows:

Section 10 “An Executive Order by the Supreme Grand Master is final unless appealed; and every member, Lodge or Chapter so affected thereby must obey same, unless or until it is over-ruled by the Supreme Grand Council, Supreme Grand Forum, or the Quadrennial Session.”

POWERS

Section 11” It shall be the duty of the Supreme Grand Master to enforce the Constitution and Statutes of the Order, the Decrees, Judgments and Orders of the Supreme Grand Council; to protect and defend the Order, being vested with all power necessary for the performance of such duty.”

Section 12 “ The Supreme Grand Master shall have the power to remove any Supreme Officer, Grand Office or Subordinate Officer from office for neglect of duty, immoral conduct or incompetency after due investigation; if, in his judgment, he deems it necessary for the good of the Order”.

[35.] The letters of removal of office was settled in the following terms:

Bro. Basil Damianos – Removal of Office for Incompetency and Neglect of Duty

Pursuant to the Supreme Grand Lodge, Modern Free and Accepted Masons of the World Inc., Ancient and Accepted Scottish Rite Freemasonry Constitution and By Laws:

Whereas; Article IV: Duties of Officers

Section 1- The Grand Master or Grand Matron, may exercise such powers as are Warranted and perform such duties as are required of them by Ancient Regulations and Customs. (And after warning and direct orders to comply, given to you in your Grand Lodge Town Hall meeting called by the Supreme Grand Master, that all funds due Mecca Grand Lodge be collected by the Grand Secretary shall in accordance with Mecca Grand

Lodge Bylaws, Supreme Grand Lodge Constitution and Bylaws in which you swore under oath to comply with but you failed and refused to comply with; And;

Whereas; Due investigation and confirmation from you, Bro. Basil Damianos, Grand Master of Masons, Mecca Grand Lodge, Commonwealth of the Bahamas, that in fact you appointed 1st a Grand Financial Secretary to collect funds in which I ordered that he cease such actions, you then appointed a deputy to collect funds and I have received reports that you yourself as Grand Master received cash and issued receipts of such funds due the Grand Lodge, And;

Whereas; By the powers granted under the same Supreme Law "POWERS": Sections 11 & 16. Section 12 – *the Supreme Grand Master shall have the power to remove any Supreme Officer, Grand Officer or Subordinate Officer from office for neglect of duty, immoral conduct or incompetency after due investigation; if in his judgment, he deems it necessary for the good of the Order.*

Therefore, I hereby find your actions and inability to do your sworn duty, a direct violation of Masonic Law as well as our Supreme Law. Your action based on your lack of knowledge of our great and honorable fraternal officers duties, leads me to the conclusion that you are incompetent and your inaction to comply both neglect of duty and contumacy. You, Bro. Basil Damianos, Grand Master of Masons, Mecca Grans Lodge, Commonwealth of the Bahamas are hereby removed from this office effective immediately. You are to turn over all funds you have collected to Grand Secretary, all property of Mecca Grand Lodge (books, seals, receipt books, statements, deposit slips) to the Grand Treasurer and the Charter and all other things pertaining to the office of Grand Master to Bro. Bradley Smith, DGM acting Grand Master.

Further, in accordance to Masonic custom and Supreme Law, the Deputy Grand Master, Bro. Bradley Smith shall assume the position as Grand Master, Pro-Tem for the remainder of the 2018-2020 term, effective immediately.

This Circular shall be read aloud in every lodge in Mecca Grand Lodge and giving Heroines of Jordan Grand Chapter, Commonwealth of The Bahamas – MF&AM, or at the first meeting held after its receipt therein, and preserved in its archives in perpetuality.

So ordered this 8th Day of April 2019.

[36.] The letter of suspension dated 8 April 2019 was settled in the following terms:

Order of Suspension of Bro. Basil Damianos

Pursuant to the Supreme Grand Lodge, Modern Free and Accepted Masons of the World Inc., Ancient and Accepted Scottish Rite Freemasonry Constitution and By Laws:

- Whereas; Article IV: Duties of Officers
Section 1- The Grand Master or Grand Matron, may exercise such powers as are Warranted and perform such duties as are required of them by Ancient Regulations and Customs. (And after warning and direct orders to comply, given to you in your Grand Lodge Town Hall meeting called by the Supreme Grand Master, that all funds due Mecca Grand Lodge be collected by the Grand Secretary shall in accordance with Mecca Grand Lodge Bylaws, Supreme Grand Lodge Constitution and Bylaws in which you swore under oath to comply with but you failed and refused to comply with; And;
- Whereas; Due investigation and confirmation from you, Bro. Basil Damianos, Grand Master of Masons, Mecca Grand Lodge, Commonwealth of the Bahamas, that in fact you appointed 1st a Grand Financial Secretary to collect funds in which I ordered that he cease such actions, you then appointed a deputy to collect funds and I have received reports that you yourself as Grand Master received cash and issued receipts of such funds due the Grand Lodge, And;
- Whereas; By the powers granted under the same Supreme Law "POWERS": Sections 11 & 16. Section 12 – *the Supreme Grand Master shall have the power to remove any Supreme Officer, Grand Officer or Subordinate Officer from office for neglect of duty, immoral conduct or incompetency after due investigation; if in his judgment, he deems it necessary for the good of the Order.*

Therefore, I hereby find your failure to comply with a direct and lawful order to comply with Masonic Law as well as your Grand Lodge bylaws and Supreme Law to be a willful act of contumacy.

You, Bro. Basil Damianos, are hereby suspended for a term of not less than 364 days effective immediately. You are to turn over all funds you have collected to Grand Secretary, all property of Mecca Grand Lodge (books, seals, receipt books, statements, deposit slips) to the Grand Treasurer, and the Charter and all other things pertaining to the office of Grand Master to Bro. Bradley Smith, DGM acting Grand Master.

Further, You are not to have any Masonic intercourse in regard to any Mason or Eastern Star through-out the world other than the Supreme Grand Master or the Supreme Grand Secretary during this Order of Suspension. Anyone who discuss any business of the order will be subject to the same punishment as yourself.

This Circular shall be read aloud in every lodge in Mecca Grand Lodge and giving Heroines of Jordan Grand Chapter, Commonwealth of the Bahamas – MF&AM, or at the first meeting held after this receipt therein, and preserved in its archives in-perpetuity.

So Ordered, this 8th Day of April 2019.

[37.] Damianos' case is that in April of 2019 he was accused by Richardson of incompetency, neglect of duty and contumacy. On the basis of the accusations, Richardson, against rules of natural justice, removed him from his position as Grand Master and eventually suspended him from that office.

[38.] Relying on the decision in **Ridge v Baldwin** 1964 AC 40, Damianos argues that his removal can only be achieved on certain grounds, and that the rules of natural justice apply. He says that he was entitled to have a hearing and defend against the claims of his accuser (s).

[39.] Richardson's case is that Damianos was the Grand Master of the Lodge and he was the Supreme Grand Master. As Supreme Grand Master he has oversight of lodges, including the Lodge. Richardson says that although Damianos alleges that Richardson did not have the power to remove him from office he admitted in cross-examination that he was aware of Section 12 of the Constitution of the Grand Lodge. Richardson points out that Damianos also admitted in evidence that:

- (1) he had collected funds from the Lodge members when he should not have.
- (2) he stated in evidence that he did not appreciate that this was an issue when referred to the provisions of the Constitution of the Grand Lodge which established that his actions were in contravention of the Constitution.
- (3) the complaints that were laid against him were true.

[40.] Richardson's case is that (1) he had the power to remove Damianos and (2) he did so after an investigation into the charges. Richardson contends that the principle in **Ridge v Baldwin** does not apply and that Damianos has not established on a balance of probabilities that his [Richardson's] actions were ultra vires.

[41.] Having heard the witnesses and observed their demeanor as they gave evidence, I prefer the evidence of Richardson to that of Damianos. Overall, Damianos' testimony contained several admissions damaging to his position: he failed to produce key records, did not comply with reporting obligations, gave inconsistent answers about committees, and relied on practical necessity and prior customs as explanations. He maintained that Richardson did not warn him, did not confront him about collecting/depositing monies, and that he was suspended before he could report or account to the Grand Lodge. However, under cross-examination he made several important admissions: he knew the governing documents, accepted the Supreme Grand Master's supervisory and removal powers, accepted the importance of accurate financial records, admitted collecting and depositing funds and issuing receipts, and admitted that certain documents on which he relied had not been disclosed.

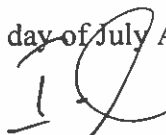
[42.] On a fair reading of section 12 of the Grand Lodge Constitution, Richardson, as Supreme Grand Master, had authority to remove Damianos from office as Grand Master. However, the

section required Richardson to conduct a due investigation before doing so. Both parties appear to accept that proposition.

[43.] On the evidence before me, I am satisfied that Richardson conducted an investigation. It was sufficient that the complaint was brought to Damianos' attention, that he was given an opportunity to respond to the evidence and allegations, and that the decision was then communicated to him. In my view, an investigation within a fraternal organisation of this nature does not require substantial formalities. In any event, on the evidence I accept, Damianos admitted the allegations, thereby limiting the scope of any further investigation required.

[44.] In the circumstances, Damianos' claim is dismissed with costs to Richardson to be assessed if not agreed.

Dated the 17th day of July A.D. 2026

A handwritten signature in black ink, appearing to be 'I. Winder', written over the date line.

Sir Ian Winder
Chief Justice