

**SOCIETY OF COLONIAL WARS IN THE STATE OF OHIO
CONSTITUTION**

**RESTATEMENT OF December 4, 2011
APPROVED BY COUNCIL OCTOBER 17, 2011**

**ARTICLE I
NAME**

The Society shall be known by the name and title of **“THE SOCIETY OF COLONIAL WARS IN THE STATE OF OHIO.”**

**ARTICLE II
OBJECTS**

The Society of Colonial Wars is instituted to perpetuate the memory of the events of American Colonial History, and of the men, who, in military and naval service, and in civil positions of trust and responsibility, by their acts or counsel assisted in the establishment, defense and preservation of the American Colonies, thereby laying the foundation of the Nation.

With this purpose in view, it seeks to collect and preserve manuscripts, rolls, relics and records; to provide suitable commemorations of events in Colonial History; and to inspire in its members the fraternal and patriotic spirit of their forefathers, and in the community, respect and reverence for those whose public service made our freedom and unity possible.

**ARTICLE III
MEMBERSHIP**

Any male person above the age of eighteen years, of good moral character and reputation, shall be eligible to membership in the Society of Colonial Wars in the State of Ohio, who is lineally descended by consanguinity in the male or female line from an ancestor.

(1) Who served as a military or naval officer, or as a soldier, sailor, or marine, or as a privateersman, under authority of the Colonies which afterwards formed the United States, or in the forces of Great Britain which participated with those of the said Colonies in any wars in which the said Colonies were engaged, or in which they enrolled men, from the settlement of Jamestown, May 13, 1607, to the Battle of Lexington, April 19, 1775; or

(2) Who held office in any of the Colonies between the dates above mentioned, either as

(I) Director General, Vice-Director General, or a member of the Council or legislative body in the Colony of New Netherlands;

(ii) Governor, Lieutenant or Deputy Governor, Lord Proprietor, member of the King's or Governor's Council or legislative body in the Colonies of New York, New Jersey, Virginia, Pennsylvania, and Delaware;

(iii) Lord Proprietor, Governor, Deputy Governor, or member of the Council or of the legislative body in Maryland and the Carolinas:

(iv) Governor, Deputy Governor, Governor's Assistant, or Commissioner to the United Colonies of New England, or member of the Council, body of Assistants, or legislative body in any of the New England Colonies;

(v) A Justice, Judge, Justice of the Peace or other judicial officer.

(3) Membership in the society shall not be held complete until the application papers, relating thereto have been approved by the Registrar General.

ARTICLE IV ADMISSION OF MEMBERS, DUES, DATABASE, ETC.

Specific detailed procedures for admission of members shall be contained in By Laws of the Society which may be amended from time to time by Council as circumstances require, which procedures shall comply with the admission requirements set forth in this Article IV.

Admission of members shall comply with rules and requirements of the General Society of Colonial Wars regarding admission of members where applicable. In this Society all applications for membership shall be made in writing after an invitation extended by Council. Applications shall be signed by the applicant and approved by two members of the Society as his sponsors, who shall also sign the application. Applications shall be made on preliminary forms which shall be referred to Committee on Membership appointed by Council. After favorable report by the Committee and the Registrar and acceptance by the Council, final forms shall be furnished to the applicant to set forth in detail the proofs of eligibility. A negative vote on one in five of the ballots cast for the applicant, at the time of acting on the preliminary application, shall exclude the applicant.

Payment of dues and any initiation and registration fees shall accompany the short or long form application and shall be a requisite of membership.

Council shall determine from time to time the amount of annual dues, and the requirement for initiation and registration fees and other charges.

A non-resident member shall be one who lives one hundred twenty-five (125) miles or more from downtown Cincinnati, Ohio. The annual dues for non-resident members shall never exceed eighty (80%) of the dues of resident members.

Council from time to time shall set the date for payment of annual dues in advance for the ensuing year, and when dues for current and prior years are determined to be in arrears which shall be set forth in the By Laws.

Council from time to time shall establish sanctions and penalties applicable to members who have not paid dues for the previous year or years, which shall be set forth in the By Laws.

A computerized data base of members shall be established and maintained by the Membership Committee, or by another person under its supervision and control. The data base shall contain all relevant information regarding each member.

ARTICLE V OFFICERS

The officers of the Society shall be a Governor, a Deputy Governor, a Lieutenant-Governor, a Secretary, a Deputy Secretary, a Treasurer, a Registrar, an Historian, a Chancellor, a Surgeon, a Chaplain and a Genealogist. The Deputy Governor General, and the officers of the General Society, who may be members of this Society, and all former Governors of this Society, shall be ex-officio members of the Council with the right to vote therein.

ARTICLE VI COUNCIL

There shall be a Council consisting of the Officers of the Society and twelve members, termed Gentlemen of the Council, in addition to the ex-officio members enumerated in Article V.

The Council shall have power to call Special Courts of the Society, and arrange for celebrations by the Society. It shall have control and management of the affairs and funds of the Society. It shall perform such duties as are prescribed by the Constitution, but it shall, at no time, be required to contract any debts or take any action for which it shall be liable. It may accept resignations of any members. At the General Court it shall submit to the Society a report of any proceedings during the past year. The council shall have the power to drop from the roll any member of the Society, whose dues are at least one year in arrears, and who fails, on proper notice, to pay the same within sixty days. After such action, his membership will cease. The Council may suspend for cause, any officer. Such suspensions must be reported to the Society, and action taken on the same within thirty days.

The Council may appoint such committees other than those named in Article VII and Article VIII as it may deem advisable, and may also appoint three of its members as an Executive Committee to act in its place in all matters between its meetings.

The Council shall have the right to adopt and operate under such By-Laws for its governance as may be deemed necessary and advisable, provided that such By-Laws shall not be contrary to the provisions of this Constitution.

ARTICLE VII MEMBERSHIP COMMITTEE

The Council each year shall appoint a Committee on Membership which shall consist of three members of whom two shall constitute a quorum. It shall be the duty of this Committee to pass on all applications for membership. A negative vote of two members shall cause an adverse report on any application. The approval of this committee shall be signified by the endorsement of its chairman on the application. Any applicant who has been rejected by the Council shall be ineligible for reconsideration for a period of one year from the date of rejection, except upon the unanimous vote of the Committee.

ARTICLE VIII NOMINATION AND ELECTION OF OFFICERS

The Council each year shall appoint a nominating committee of three members who are not officers, which committee, at least two weeks before the General Court of the Society, shall report to the Council a list of members to be voted for an ensuing election, to succeed the officers and Gentlemen of the Council, whose terms expire, shall be elected at the General Court by ballot, and a plurality vote shall elect.

All officers shall hold office for the period of one year or until their successors shall be duly elected and qualified. Any such officer so elected, nevertheless, may be renominated by the nominating committee to serve a successive term in office. Four members of the Society shall be elected at each General Court to succeed those Gentlemen of the Council whose terms shall expire at said Court, which members so elected shall serve for three years, or until their successors shall be duly elected and qualified.

The Council may make proper provision for voting by members who are not resident near the headquarters of the Society, and who are unable to be present at any General Court.

ARTICLE IX GOVERNOR

The Governor shall preside at all Courts of the Society and at all meetings of the Council, and shall exercise the duties of a presiding officer, under parliamentary rules, subject to appeal to the Society or Council. The Governor shall be a member ex-officio of all Committees, except the

Nominating Committee and Committee on Membership. He shall have power to convene the Council at his discretion, and must convene it upon written request of any two members of the Council or of any five members of the Society.

ARTICLE X DEPUTY GOVERNOR AND LIEUTENANT GOVERNOR

The Deputy Governor and Lieutenant Governor, shall, in the order named, perform the duties of the Governor in his absence or in case of his disability.

ARTICLE XI SECRETARY

11.1 General Duties

The Secretary shall conduct the general correspondence of the Society, and keep a record thereof. He shall notify, **or cause the Registrar to notify**, all elected applicants of their admission. He shall have custody of the seal, certificates of incorporation, historical and other documents and records of the Society, other than those required to be deposited with the Registrar or Historian, and shall affix the seal to all proper documents. He shall certify all acts of the Society, and when required, authenticate them under seal. He shall have charge of the printing of the publications issued by the Society, and the custody of all publications acquired by the Society, excepting those of a genealogical or historical nature. He shall have power upon his own motion to call special meetings of the Council, and shall call such special meetings upon the written request of the Governor, or any two members of the Council or any five members of the Society. He shall give, **or cause the Administrative Assistant to give**, due notice of the time and place of holding of all Courts and Council meetings of the Society, and shall be present and keep the minutes of all Courts and Council meetings and perform such other duties as are usually performed by the Secretary of the Society, together with those which may, from time to time, be prescribed by the Society or by Council.

11.2 Coordination of Member Communication Records

The Secretary shall be responsible to maintain accurate, current and complete records of members and applicants regarding their postal and electronic (e-mail) addresses and their land-line and cellular telephone numbers for home, business, and mobile. He shall assure that the same records are circulated between and maintained by the Registrar, Administrative Assistant, Treasurer, Chairman of the Membership Committee, and the Governor.

11.3 Substitution

The Deputy Secretary shall act in the absence of the Secretary from any meeting, or a Secretary pro tempore may be designated therefor.

ARTICLE XII TREASURER

12.1 Duties

The Treasurer shall collect and keep the funds and securities of the Society. He shall deposit the funds in a bank, designated by the Council, to the credit of the Society. Such funds shall be drawn

by checks signed by the Treasurer for Society purposes only and/or as may be ordered by the Society and/or the Council.

The Treasurer shall keep a full and accurate account of all said funds and securities and receipts and disbursements made by him, and shall render reports thereof to the Society and/or Council, as and when required.

He shall likewise have charge of the ordering and purchasing of insignia and rosettes for members of the Society.

He shall give such security as may be required by the Society and/or Council for the faithful performance of his duties.

12.1.1 Portfolio of Securities

He shall deposit the securities portfolio of investments in an account with a national brokerage and/or investment advisory firm which is a member of the New York Stock Exchange. He shall assure that the Society portfolio of securities is insured by the Securities Investor Protection Corporation (SIPC) and that cash is insured by the Federal Deposit Insurance Corporation (FDIC).

12.1.2 Investment Advisor

He shall assure that the Society portfolio of investments is at all times managed by a professionally trained and practicing investment advisor registered under the Investment Advisors Act of 1940.

ARTICLE XIII REGISTRAR

The Registrar shall have charge of all matters in connection with the admission of persons to membership, and shall handle all correspondence relating thereto, excepting notices of final election; he shall pass upon, file and preserve in his custody all proofs upon which membership is based, and all documents or copies of same in connection therewith, which the Society may obtain.

ARTICLE XIV HISTORIAN

The Historian shall keep a detailed record of all historical and commemorative celebrations of the Society. He shall edit and prepare for publication such historical addresses, papers and other documents as the Society may see fit to publish and shall have the custody of all books and documents of a historical nature which are the property of the Society. He shall prepare also a necrology list for each year, with biographies of deceased members.

ARTICLE XV CHANCELLOR

The Chancellor shall be a lawyer duly admitted by the bar, and it shall be his duty to give legal opinions on matters affecting the Society when called upon so to do by the Council.

**ARTICLE XVI
SURGEON**

The Surgeon shall be a practicing or retired Surgeon or physician.

**ARTICLE XVII
CHAPLAIN**

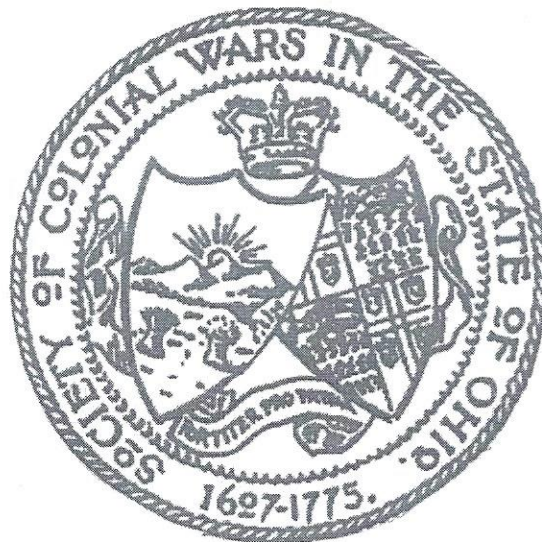
The Chaplain shall be an ordained Minister, Priest or Rabbi and it shall be his duty to officiate when called upon by the proper officers.

**ARTICLE XVIII
GENEALOGIST**

The Genealogist shall, upon request, assist any prospective member in establishing his genealogy and qualifying records, and he shall assist the Registrar in passing upon applications. He shall perform such other similar duties as may be assigned to him by the Council.

**ARTICLE XIX
SEAL**

The Seal shall be of the following design:



With a double annulet (outer rope, inner beaded) a title scroll: "Society of Colonial Wars in the State of Ohio, 1607-1775," surrounding two shields accole, resting upon a flying scroll and motto, --"Fortiter Pro Patria," above all the Royal Crown: on the dexter shield in the foreground, sinister a sheaf of wheat, dexter, a bundle of seventeen arrows, both standing erect; in the background and rising above the sheaf and arrows, a mountain range, over which appears a rising sun, all proper, (Arms of Ohio); the sinister shield, quarterly of four, first and fourth argent, a cross gules between four escutcheons, each regally crowned proper; the first and fourth escutcheons, France and England, quarterly; second escutcheon, Scotland; third escutcheon, Ireland, (Arms of the Virginia Merchants); second and third argent, a dexter hand issuing out of clouds in dexter chief holding a double scroll

proper fesseways, bearing the legend "Sustinet qui transtulit," in base fifteen grape vines, six, five, four, leaved and fructed proper; (Arms of the Colony of Connecticut).

(The sinister shield refers to the original proprietorship of the territory now forming the State of Ohio).

ARTICLE XX INSIGNIA

The insignia of the Society shall consist of a badge pendant by a gold crown and ring, from a watered silk ribbon one inch and a half wide of red, bordered with white and edged with red. The badge shall be surrounded by a laurel wreath in gold and shall consist of

Obverse: A white enameled star of nine points bordered with red enamel, having between each starpoint a shield displaying an emblem of one of the nine original colonies; and, with a blue enameled garter bearing the motto "Fortiter Pro Patria," an Indian's head in gold relievo.

Reverse: The star above described, but with an edge of gold, each shield between the points displaying a mullet, and in the center, within an annulet of the blue bearing title "Society of Colonial Wars, 1607-1775," the figure of a colonial soldier in gold relievo. The reverse of the crown of each insignia shall bear and engraved number, corresponding to that of the registered number of the member to whom such insignia has been issued.

The use of the insignia shall be governed by the current regulations of the General Society.

The undress insignia shall be a rosette or button of red and white silk. This decoration may be worn at all times in the left coat lapel.

ARTICLE XXI THE FLAGS

The Flags shall consist

- 1st. Of the Flag of the Society of Colonial Wars
- 2nd. Of the "King's Colors."
- 3rd. Of the Flag of the State of Ohio.
- 4th. Of the Flag of the United States of America. S 93

ARTICLE XXII MEETINGS OF THE SOCIETY

(This article is a combination of Articles XX, XXI and XXII of the Constitution of 1901. Article XX of the old constitution has already been covered in part by new Article II)

The General Court of the Society, at which shall be held the annual election of Officers, Gentlemen of the Council, shall convene during November, December or January as near November 24th in each year, at such hour and place in the City of Cincinnati, Ohio, or elsewhere, as the Council may deem advisable.

Special Courts may be called by the Council to be held at such time and place as it may deem advisable, and must be called by the Secretary on the written request of five members of the Society.

Notice of the holding of Courts, General or Special, shall be given by the Secretary, at least ten days before the date of the meeting. At all meetings ten members shall constitute a quorum.

At every General Court or Council of the Society, the purposes of the Society shall be considered, and the best measures to promote them adopted. No party political question of the day, or existing controversial religious subject, shall be discussed or considered at any meeting of the

Society.

**ARTICLE XXIII
DELEGATES OF THE GENERAL ASSEMBLY**

The Council shall select, prior to each General Assembly of the General Society, five delegates and five alternates to the General Society, who shall serve until their respective successors have been so elected.

**ARTICLE XXIV
VACANCIES AND TERMS OF OFFICE**

Whenever an officer of this Society shall die, resign or neglect to serve, or be suspended, or be unable to perform his duties by reason of absence, sickness or other causes, and whenever an office shall be vacant, which the Society should not have filled by an election, the Council shall have power to appoint a member to such office *pro tempore*, who shall act in such capacity until the Society shall elect a member to the vacant office, or until the disability of the officer whose place shall have temporarily filled shall cease; provided, however, that the office of Governor or Secretary shall not be filled by the Council when there shall be a Deputy Governor, Lieutenant Governor or Deputy Secretary to enter on these duties. The Council may fill vacancies among its members under the same conditions, and should any member, other than an officer, be absent from three consecutive Council meetings, his place may be declared vacant by the Council and filled by appointment *pro tempore* until the election of a successor. Subject to these provisions, all officers and Gentlemen of the Council shall from the time of election, continue in their respective offices until the next General Court, or until their successors are chosen.

**ARTICLE XXV
RESIGNATIONS**

No resignation of any member shall be effective unless consented by the Council.

**ARTICLE XXVI
DISQUALIFICATIONS**

No person, who has been enrolled as a member of this Society, shall be permitted to continue in membership when his proof of descent or eligibility shall be found to be defective. The Council, after thirty days notice to such person to substantiate his claim, and upon his failure, satisfactorily to so do, may require the Secretary to erase his name from the membership roll. The said person shall have a right to appeal to the Society at its next Court, or at the General Court. If the said appeal be sustained by a two-thirds vote of the members present at such Court, the said person's name shall be restored to the membership roll.

**ARTICLE XXVII
EXPULSION OR SUSPENSION**

Any member, for conduct detrimental or antagonistic to the interests or purposes of the Society, or for just cause, may be suspended or expelled from the Society. But no member shall be expelled or suspended, unless written charges be presented against such member to the Council. The Council shall give reasonable notice of such charge, and afford such member reasonable opportunity to be heard and to refute the same. The Council, after hearing such charge, may recommend to the

Society the suspension or expulsion of such member, and if the recommendation of the Council be adopted by a majority vote of the members of the Society present at such Court, he shall be so expelled or suspended, and the insignia of such member shall thereupon be returned to the Society, and his rights therein shall be extinguished or suspended. The Treasurer shall, upon the return of such insignia, refund the said ex-member the amount paid for it.

ARTICLE XXVIII SERVICE OF NOTICE

It shall be the duty of every member to inform the Secretary by written communication of his place of residence and any change thereof, and of his post office address. Service of any notice shall be sufficient, if addressed to the last residence given.

ARTICLE XXIX DEATH OF MEMBERS

Upon information of the death of any member, notice of the death shall be mailed to each member of the Society by the Secretary, and the Governor shall appoint five members as a Committee to represent the Society at the funeral ceremonies.

ARTICLE XXX CHAPTERS

When ten or more members of The Society of Colonial Wars in the State of Ohio, residing within any county or neighborhood of counties shall petition to the Council, it may authorize and empower such petitioners to form a local Chapter to be known as.....Chapter of The Society of Colonial Wars in the State of Ohio. Such Chapter, when authorized, may adopt such local regulations and by-laws as to it may seem proper, provided that such regulations do not conflict in any particular with the Constitution of The General Society of Colonial Wars or with the Constitution and By-Laws of The Society of Colonial Wars in the State of Ohio. Such local Chapters may provide for and elect such officers as it may deem advisable.

Only members in good standing in the Society in this State shall be eligible to membership in these Chapters. When any person ceases, through any cause, to be a member of the Society in the State of Ohio, his membership in the Chapter shall thereby terminate.

The highest officer of every local Chapter, who shall be called Chapter Governor, may attend the meetings of the Council of the State Society, notice whereof shall be sent to him by the Secretary of the State Society.

When an application for membership in this Society shall be made to the Council by any person residing within a locality comprised in a local Chapter, such application shall be first submitted to the presiding officer of the local Chapter, and a report thereon to the State Society shall accompany such application before action thereon.

No local Chapter shall have power to involve the State Society in any pecuniary obligation.

The initiation, registration fees and dues of the State Society of each member of the local Chapters shall be that established for non-resident members in accordance with Article IV; but such local Chapters shall have the power to tax their members such a sum per annum over and above the dues to the State Society, as is considered necessary to carry on the work of such local Chapters.

**ARTICLE XXXI
AMENDMENT AND RESTATEMENT OF THE CONSTITUTION**

13.1 Approval of Council.

The Constitution may be amended and restated from time to time in the following manner. Notice stating the exact text of the proposed amendment and/or restatement shall be given to members of Council at least ten (10) days prior to the meeting wherein the amendment or restatement is to be voted upon. At least two-thirds (2/3s) of the Council members must vote in favor of any amendment or restatement. Votes to be counted may be of Council members present at the meeting, plus those who are represented by proxy, and those who submit votes electronically by email by the time of the vote count. The Constitution shall be restated each time an amendment is adopted.

13.2 Approval of the Society

At least ten (10) days prior to the next business meeting of the Society, notice shall be given to the Members of the Society that Council has adopted amendments to and restated the Constitution. The notice shall summarize the changes and shall set forth the date of the business meeting of the membership at which the Restated Constitution shall be submitted for discussion and approval by two-thirds of the Members present. A copy of the proposed Restated Constitution shall be delivered by postage, personal delivery, or electronic transmission to any Member requesting same.

13.3 Authentication

The restated Constitution shall be certified by the Governor and attested by the Secretary with the date of the adoption by the Members. The restated Constitution shall be posted on the Society web site. Notice shall be given to the members of the Society of the posting and instruction for access. Members shall be invited to request a printed copy from the Secretary to be transmitted as provided above in Section 13.2.

In accordance with ARTICLE XXXI this Restatement was approved by the Council of the Society of Colonial Wars in the State of Ohio on the 17th day of October, 2011, and by the Members at the General Court of the Society on the 4th day of December, 2011.

Certified: *Emilio Hayes McKinney III* Governor
Attest: *Walter Huntley III* Secretary