

CONSTITUTION AND BYLAWS OF THE DUSTON-DUSTIN FAMILY ASSOCIATION

Preamble

WHEREAS, the Constitution and Bylaws of the Duston-Dustin Family Association have not been reviewed or amended since August 31, 1935; and

WHEREAS, the Executive Committee undertook the task in 2019 to review and amend the Constitution and Bylaws for review and approval by the Association;

WHEREAS, the Duston-Dustin Family Association has at its heart the purpose to honor, educate and preserve for future generations, their family and the public, the history of Thomas and Hannah Duston, as their lives were in the context of the French and Indian Wars in North America (that part known as King William's War) at the end of the 17th Century; and

WHEREAS, to that end the leaders of the Duston Family (with variant surname spellings such as Duston, Dustin, Dustan and Dusten), all descendants of the immigrant New England pioneer Thomas Durston, who is understood to have first set foot on Richmond Island, Maine in 1633, gathered in 1904 and formed an unincorporated family association that held its first meeting on October 14, 1905, with President Mary Duston Page Watson, a member of the New England Historic Genealogical Society, presiding, who later also became the Association's first historian; and

WHEREAS, such leaders as Mary Duston Page Watson, John K. Dustin, C. M. Kilgore and others spent time and money in searching records, the object sought to obtain accurate knowledge of the many descendants, and to foster by concert of action to deepen and widen the knowledge of each and in the family their common roots to Thomas and Hannah Duston; and

WHEREAS, objects were established, later re-codified on August 31, 1935, in a new constitution with bylaws, as earlier versions were in conflict and there was doubt as to authenticity, such objects not only to develop the genealogy of the Duston Family of America, but to find, preserve and care for its artifacts, relics, and monuments; and

WHEREAS, while promoting familiarity, the object was also to have members outside the family, that is persons who had descendants who resided in Haverhill, Massachusetts at the time of the Indian raid and Massacre of 1697; and

WHEREAS, the Association has been guided by leaders that held or hold officer positions not only in the Duston-Dustin Family Association but also the Duston-Dustin Garrison House Association, Inc. the prime example today being Cedric H. Dustin, Jr., President *Emeritus*, and in the past Miles Henry Powers Dustin, who first became interested in the Family Association only a few years after its founding, was president of the Family Association from 1919-1934 and 1937-1957. Miles Dustin introduced a bill in the New Hampshire State Legislature to have "Dustin Island" become a State Park and to have the Duston Monument thereon preserved as a New Hampshire State Historical shrine, which passed, and, moreover, largely through his efforts saw that the Duston Garrison House was obtained and restored and put under the ownership and management of the Duston-Dustin Garrison

House Association, Incorporated, a Massachusetts non-profit corporation, formed in September 22, 1945, whose original incorporators included Frank C. Lane, also a Vice-President of the Family Association as well as Miles H. Dustin; and

WHEREAS, the articles of governance of the Association has become increasingly outdated as time has passed wanting detailed revision to better fit the current time period needs and practices; and

WHEREAS, said Executive Committee has performed its task and has reported the constitution as set forth below; and

WHEREAS, notice of a vote on the amendments of the Constitution and Bylaws has been included in the notice for the 115th annual meeting of the Association as provided in all existing previous constitutions; now be it

RESOLVED, that the Constitution and Bylaws set forth below shall be the true and lawful Constitution of the Duston-Dustin Family Association.

ARTICLE I. NAME

This organization shall be known as the Duston-Dustin Family Association.

ARTICLE II. OBJECTS

The objects and purposes of this Association shall be as follows:

1. To obtain and record the names and addresses of all persons eligible for membership.
2. To honor, educate and preserve for future generations, their family and the public, the history of Thomas and Hannah Duston, as their lives were in the context of the French and Indian Wars in North America (that part known as King William's War) at the end of the 17th Century.
3. To obtain, record and publish historical and genealogical information concerning the Duston Family of America.
4. To preserve and care for existing monuments and to cause other suitable markers and monuments to be erected and preserved at points of historic Duston Interest.
5. To obtain, record and publish information concerning the location, ownership and history of Authentic Duston relics and to encourage their preservation either by acquisition or by their deposition in safe museums.
6. To promote acquaintance and friendship between the members of this Association.

ARTICLE III. MEMBERS

1. All descendants and husbands or wives of descendants of Thomas and Hannah Duston; descendants and husbands or wives of descendants of Thomas Duston (or Durston, the father of Thomas) and his wife Elizabeth (daughter of John Wheeler of Hampton, N.H., Salisbury and Newbury, MA); descendants and husbands or wives of Michael and Hannah (Webster) Emerson (parents of Hannah Duston); or persons of the wider community, including, but not limited to residents, of Haverhill, Massachusetts, some of whom may be descendants of residents of Haverhill at the time of the Indian raid and Massacre of 1697,

persons who by evidence of historic interest and that of wanting to help the Association in its educational and community purpose, or commitment by volunteer work, re-enactment, or historic, genealogical, curatorial, pertinent literary or similar expertise, as determined by the Executive Committee, shall be eligible for membership in this Association, provided (a) that no person shall be eligible for membership who is pledged to or advocates, the overthrow, by force or violence, of the Government of the United States, or that of any State or Territory of the United States of America; or who is not of good moral character; and the Association shall have the right to expel from its membership any person for any of these causes; and any question arising under this proviso (a) shall be determined by the Executive Committee. All members of the Executive Committee shall be members of the Association with a verified lineage from Thomas and Hannah Duston or their parents as aforementioned described.

2. A person eligible for membership shall become an active member of this Association upon payment of the annual dues except persons accepted as complimentary as determined by the Executive Committee.
3. A person eligible for membership shall become a life member of this Association upon payment of the life membership fee except persons accepted as complimentary as determined by the Executive Committee.
4. Payment of twice the annual dues shall admit to active membership in this Association parents and minor children of any one family as a unit.
5. Payment of one-half the annual dues shall admit persons from the ages of eighteen through twenty-six years of age to be an active member.
6. Only persons eighteen years of age or older shall have the right to vote.

ARTICLE IV. OFFICERS

1. The officers of this association shall be a President, Vice-President, Secretary, Treasurer, Assistant Secretary, Historian and Assistant Historian.
2. Acting collectively, they shall be known as the Executive Committee and shall have general oversight of the affairs of this Association between the annual meetings with such special duties as shall be hereinafter mentioned.
3. The officers of this Association shall be elected at each annual meeting for a term of one year.
 - a. Except as hereinafter otherwise provided, vacancies in any of these offices shall be filled by an election to be held by the Executive Committee.
4. Individually, the duties of the officers shall be as follows:
 - a. The President shall preside at all meetings of this Association and of the Executive Committee, shall appoint the chairs of all committees except as hereinafter otherwise provided and shall ex-officio be a member of all committees. The President shall make a report at each annual meeting with recommendations.
 - b. The Vice-President, in event of the absence, resignation or death of the President shall perform the duties of that office. The Vice-President shall also perform such other duties as may from time to time be required.
 - c. The Secretary shall keep a true record of all meetings of the Association and of the Executive Committee. The Secretary shall keep a record of this Association and of the Executive

- Committee. The Secretary shall keep a record of the names and addresses of all members and those persons eligible for membership and shall coordinate with the Historian of any changes in said list to maintain its accuracy. The Secretary shall receive all dues and fees, shall issue receipts therefor and shall pay over same to the Treasurer. The Secretary shall have charge of correspondence relating to the Association and shall perform such other special duties as may be hereinafter otherwise provided for. The Secretary shall make written report at each annual meeting of this Association with recommendations.
- d. The Assistant Secretary shall assist the Secretary in the duties of the Secretary's office.
 - e. The Treasurer shall receive all moneys of other properties paid or donated to this Association through the Secretary or otherwise and shall receipt therefor. The Treasurer shall disburse, deliver or invest same as provided in this constitution and its accompanying By-laws by and with the approval of the Executive Committee. The Treasurer shall keep a true and correct account of all receipts and disbursements and shall make a written report of same at each annual meeting of this Association. The Treasurer shall make such other reports and statements to the President and Executive Committee as may from time to time be required.
 - f. The Historian shall obtain, record and arrange in proper form, historical and genealogical information relating to the Duston family, including vital probate and land records, and as the material accumulates shall be empowered to have same typed and bound uniformly with existing copies of the Genealogy for its preservation, at the expense of the Association, by and with the approval of the Executive Committee. The Historian shall assist prospective members in establishing their line of descent from Thomas and Hannah Duston or to residents of Haverhill at the time of the 1697 raid so far as possible from the records entrusted to the Historian's care. The Historian shall coordinate with the Secretary to assure that eligible members are adequately listed. The Historian is hereby authorized to join the New England Historic Genealogical Society or such other Genealogical or Historical Society as may be found suitable and convenient to assist the Historian in the work and at the expense of the Association. The Historian shall chair the Committee on the Genealogy. The Historian shall perform such other duties as may be hereinafter required. The Historian shall annually report to the Association in writing the status of the Genealogy and related work during the year.
 - g. The Assistant Historian shall assist the Historian in the Historian's duties and shall also be a member of the Committee on Genealogy.

ARTICLE V. MEETINGS

1. This Association shall meet annually in Haverhill, Massachusetts, in August on a date, at a time, and at a place to be selected by the Executive Committee, said date to be known as Duston Day.
2. The annual and other meetings of this Association may be held at such other times and places as may be found desirable or necessary.
3. Given that it is impossible for many of those eligible for membership to attend meetings of this Association, that it is none the less desirable and their right and privilege that all eligible members be allowed and encouraged to participate, the Association shall make every reasonable attempt to provide means other than direct physical presence for participation at annual meetings.

4. The Executive Committee shall meet at least once each year prior to the annual meeting at a time and place or by other means of conference to be designated by the President. The President may at the President's discretion submit in writing (including via email) to the members of the Committee any question requiring a vote of the members; on such submission members shall record in writing by similar method their vote on the proposition, shall return it, and a vote so taken shall be valid. The Secretary shall record such vote in the minutes of the Executive Committee.
5. A quorum for the transaction of business of the Association shall consist of fifteen members. A quorum of the Executive Committee shall consist of a majority of said members.
6. A Majority Vote of the members present and voting shall be necessary for election of officers or for the passage of any measure brought before a meeting of either this Association or of the Executive Committee except as provided hereinafter for the amendment or repeal of this Constitution.
7. Special meetings of the Association may be called by the President or by any three officers.
8. Notices of the Annual Meeting approved by the Executive Committee shall be sent by the Secretary (including via email) to all eligible members at least three weeks before the date of said meeting.
9. The order of business at each Annual Meeting shall be as follows,
 - a. To receive the report of the previous meeting.
 - b. To receive the reports of the officers.
 - c. To receive the reports of committees.
 - d. To take such action on the above reports as may seem necessary.
 - e. To transact such other business as may come before the meeting.
 - f. To elect officers and appoint committees for the coming year.

ARTICLE VI. DUES

1. The Annual and Life Membership Dues of this Association shall be as recommended by the Executive Committee and approved by the membership.
2. No other assessments shall be made upon members of this Association as except otherwise herein noted.

ARTICLE VII. FINANCIAL

1. The fiscal year of the Association shall extend from January first to December thirty-first.
2. Administrative expenses of this Association in any year shall be limited to those herein described.
3. The following expenses shall be considered administrative and shall take precedence in the order given below:
 - a. Expenses of the annual meeting and printing and mailing the notices thereof.
 - b. Postage and stationery for correspondence of the Secretary and Historian.
 - c. Membership of the Historian in the New England Historic-Genealogical Society, or substitute society.
 - d. Typing and binding additions to the Genealogy.
 - e. Salaries of the Historian as warranted and deemed necessary by the Executive Committee.
 - f. Other necessary expenses as approved by the Executive Committee.

4. Funds if set aside toward the preparation and publication of the Genealogy shall be assigned by the Treasurer as the Hannah Duston Memorial Fund, these monies to be used by the Historian in obtaining necessary information for the Genealogy and in preparing same for publication of the Genealogy. It shall then, with the consent of the Executive Committee be used for publication.
5. Funds if set aside toward the preservation of existing monuments and relics and the erection of new monuments at historic points of Duston interest shall be assigned by the Treasurer as the Duston Monument and Relics Fund, these monies to be used by the Committee on Monuments and Relics for the care and maintenance of existing monuments and preservation of relics, if in an amount sufficient in the opinion of the said Committee of Duston Monuments and Relics, when it may be used for this purpose with the approval of the Executive Committee.
6. The Treasurer shall invest the money as set aside viz. administration, Hannah Duston Memorial Fund, and Duston Monument and Relics Fund, with the advices and consent of the Executive Committee.
7. The members of the Executive Committee are hereby authorized to solicit contributions to defray expenses of the Association.
8. The Executive Committee shall at its discretion select an Auditing Committee. It shall be the duty of this committee from time to time to audit the books of the Association and report to the Annual Meeting.

ARTICLE VIII. COMMITTEES

1. There shall be committees of this Association created by decision of the Executive Committee, meeting the objects of the Association:
 - a. Committee on the Genealogy.
 - b. Committee on Monuments and Relics.
2. These committees shall consist of members of this Association appointed for terms of three years. At the expiration of these terms a new or reappointment shall be made for a term of three years to fill said vacancy.
3. The Committee on the Genealogy shall have it in charge to promote the preparation of the Genealogy for publication and the publication thereof and the ways and means to this end and shall be their especial consideration.
4. The Committee on Monuments and Relics shall have it in charge to promote the preservation of existing monuments and the erection and preservation of new monuments or markers at historic points of Duston interest and to obtain record and publish information concerning the location, ownership and history of authentic Duston relics and the steps taken toward their preservation.
5. These committees shall each make a written report at the annual meeting of this Association.

ARTICLE IX. LOCAL CHAPTERS

1. The Duston-Dustin Family Association hereby recognizes that it is impossible for many of those eligible for membership to attend meetings of this Association; that it is none the less desirable and their right and privilege that they be allowed and encouraged to assemble in similar meetings and that such meetings are in complete accord with the provisions of Article II Section 5 of this Constitution. The formation of Local Chapters of this Association is therefore approved, subject to certain provisions

designed to promote the effective accomplishment of the other objects of this Association as set forth in Article II of this Constitution.

2. These provisions are as follows:
 - a. A Local Chapter shall consist of not less than nine members, who shall be considered members of this Association.
 - b. The officers of a Local Chapter shall be a President, Vice-President, Secretary, and Treasurer.
 - c. The duties of these officers shall be the same as those of the corresponding officers of this Association so far as these duties may apply to said Local Chapter with the following additional provisions:
 - i. The Secretary of each Local Chapter shall annually file with the Secretary of this Association at least one month prior to the Annual Meeting of this Association the list of members of the Local Chapter and all eligible members who have come to the Secretary's attention during the year together with their addresses.
 - ii. The Officers of each Local Chapter shall constitute an Executive Committee which shall have supervision of the interests of the Local Chapter during the year and in addition shall be authorized to solicit contributions for the objects of the Association such as those designated by the Hannah Duston Memorial Fund and the Duston Monument and Relics Fund. Said contributions shall be paid to the Treasurer of this Association.
3. Each Local Chapter shall be empowered to execute such By-Laws as may be necessary for its own proper functioning, provided that no By-Law shall be enacted contrary to the provisions of this Constitution. Any By-Law enacted by a Local Chapter shall be filed with the Secretary of this Association as soon as possible after enactment by the Local Chapter by its Secretary.
4. The Executive Committee of this Association, upon receiving the application of any Group of members as a Local Chapter, signifying the assent of said members to the provisions of this Constitution and By-Laws, shall cause designation as a local Chapter to be issued.
5. Failure of a Local Chapter to observe the provisions of this Constitution shall be sufficient cause for the revocation of its chapter status by this Association.

ARTICLE X. DISSOLUTION

1. No part of the income or assets of the Association shall be paid, distributed, or otherwise inure to the benefit or use of its Officers or other private persons, except as defined by this Constitution.
2. Upon dissolution of the Association, the assets of the Association shall not be distributed to its Officers or other private persons.
3. Upon such dissolution, Officers of the Association shall, after paying or making provision for the payment of all Association liabilities and for the disposition of any property committed to charitable purposes as required by statute or court order, transfer and convey the remaining assets to such charitable organization or organizations exempt under Section 501(c)(3) of the U.S. Internal Revenue Code (or equivalent successor provision) as the Officers shall determine to be consistent with the Association's character, purpose, and method of operation.

ARTICLE X. BY-LAWS

1. Such By-laws as may be necessary to promote the effective accomplishment of the objects of this Association may be enacted at any Annual Meeting of this Association by a Majority vote of the members present and voting, provided that such By-Laws do not violate or conflict with any of the provisions of this Constitution. Should any By-Law fail in the object for which it was intended, it may be amended or repealed at any Annual Meeting in the same manner.

ARTICLE XI. AMENDMENTS

1. This Constitution may be amended or repealed at any Annual Meeting by a two-thirds vote of the members present and voting, provided such amendment or repeal shall have been presented by suitable means not less than fourteen days prior to the Annual Meeting and included on the notice of the Annual Meeting at which the vote is taken. Proxy votes may be submitted in writing but shall not be counted in the determination that a quorum is present. A proposed amendment may be amended at the meeting at which it is to be voted upon, and such amendment in its original form, or as amended, may be finally voted upon at such meeting.

BY-LAWS

1. CERTIFICATES OF MEMBERSHIP
 - a. The Historian is hereby authorized to issue certificates of membership in this Association to members, signed by the Historian, containing the line of descent of the member to whom issued.
 - b. The price of this certificate shall be established by the Executive Committee.
2. GENEALOGICAL DATA

The information contained in the Genealogy is the property of members of the Association and its Local Chapters and shall be available to said members at all times. The cost of making copies of any data desired by any members shall be borne by the member desiring said copy.

Duston-Dustin Family Association Constitution and Bylaws herein were approved at the Duston-Dustin Family Association Annual Meeting on August 10, 2019 and amend the Duston-Dustin Family Association Constitution and Bylaws of 1935.

THE FOLLOWING NOTES ARE FOR GENERAL INFORMATION ONLY AND ARE NOT PART OF THE DDFA CONSTITUTION AND BYLAWS:

The 1935 Constitution and Bylaws upon which 2019 amendments were proposed were retyped in digital form from a copy of a typewriter written record.

The original date of the Association formation has been celebrated as the year 1904. Federal tax records indicate "of incorporation" as either 1905 or 1/1/1905. There appears to be no Commonwealth of Massachusetts record of the Association's existence as an entity under the General Laws of the Commonwealth, the most likely definition being "unincorporated non-profit association". The General Laws of the Commonwealth of Massachusetts, Part I, Title XXII, Chapter 180, Section 9, reads: "Any civic, educational, charitable, benevolent, church or cemetery organization created or organized under the laws of the commonwealth, the evidence of the corporate existence of which is not on file in the records of the state secretary by reason of the destruction of records or by reason of the fact that it was organized before such recording was required, may file such evidence with the state secretary."

June 22, 2019, Peter G. Dustin, Treasurer