



# ***Ewing Family Journal***

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August 2014**

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Ewing Family Association  
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Through 2008 this publication was titled *Journal of Clan Ewing*. The name was changed in January 2009 to reflect a change in the name of the publishing organization from Clan Ewing in America to Ewing Family Association.

All contributions are subject to editing. Ewing Family Association does not assume liability for statements of fact or opinion by contributors, but proven errors will be corrected. In addition, the opinions of contributors are not necessarily those of Ewing Family Association or its Officers, Board Members or Activity Coordinators.

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## ***From the Editor***

William E. Riddle, *Journal Editor* (+1 505.988.1092, [Riddle@WmERiddle.com](mailto:Riddle@WmERiddle.com))

This issue of the *Ewing Family Journal (EFJ)* is devoted to the upcoming 2014 Gathering, 19-21 September, in Fort Wayne, Indiana, and two topics that will be addressed during this gathering: the Ewing Family Association's (EFA's) new Bylaws and the restoration of an officially established and recognized Clan Ewing. Genealogical Contributions and Ewing Digital Library items, as well as EFA news items (New Members, Keeping Up With The Ewings, Committee Status Reports, etc.) will resume in the next *EFJ* issue.



### **2014 Gathering**

Information about the gathering, including a final schedule, appears on pages 1 through 5.

### **Member Meeting**

The 2014 Annual Member Meeting will be held during the 2014 Gathering on Saturday, September 20th, convening at 10:30 AM at the Allen County Public Library. The meeting's Agenda appears on page 44.

### **Ewing Family Association Bylaws**

The EFA has – occasioned by its incorporation in New Mexico several years ago and it subsequently achieving IRS recognition as a 501c(3) non-profit educational/scientific (charitable) organization – been working for several years now on updating its Bylaws to conform with the Federal IRS and New Mexico statutes for educational/scientific (charitable) organizations. The final report of the Bylaws Amendment Committee (BAC) appears on page 23. The BAC's work resulted in a new version of the EFA Bylaws which was adopted on 20 July 2014 by the EFA Board of Directors (BoD). The new Bylaws appear starting on page 27. The Bylaws and the Bylaws-mandated procedure leading to its approval will be open for discussion and confirmation during the Member Meeting.

### **Clan Ewing**

Several years of collaborative work by the EFA and the Clan Ewen Society have resulted in official recognition of a Clan Ewing and a Clan Ewen by the Lyon Court, empowered to recognize and register clans in Scotland. Several tibits about this appear starting on page 13. A trip report by Beth (Ewing) Tocos – see page 6 – recounts her participation in the Derbhfine (Family Convention) held in Clydebank, Scotland, on the 6<sup>th</sup> of June 2014, at which the Clans Ewing and Ewen were officially recognized with Thor Ewing being appointed the Commander of Clan Ewing. A follow-up article by Thor Ewing concerning a tartan for Clan Ewing appears at page 9. The implications of there being both the EFA and a Clan Ewing organization will be open for informal and formal discussion during the 2014 Gathering. The implications with respect to the name of the EFA will be open for discussion at an informal session scheduled for 7:30 PM on September 19<sup>th</sup>.

*Wm E. Riddle*

# ***Ewing Family Journal***

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This issue is periodically updated as typos are corrected, as authors request updates to the text of their articles, or as data are corrected.

The latest version may be accessed at  
[http://dl.dropboxusercontent.com/u/447781/JournalIssues/142003\\_Journal\\_Final.pdf](http://dl.dropboxusercontent.com/u/447781/JournalIssues/142003_Journal_Final.pdf).  
[Note: You may have to copy/paste this URL into your browser's address field to display the file.]

The following identifies the various versions. ending with this current version:

Version 01: 7 September 2014  
... original version ...



Ewing Family Association  
Thirteenth Biennial Gathering

*Down the Canal  
into the New Frontier*

Fort Wayne, Indiana  
September 19-21, 2014

*See Pages 1-5  
For Further Information*

## 2014 Gathering

### Preliminary Information

The Ewing Family Association's (EFA's) 13<sup>th</sup> biennial gathering will be held 19-21 September 2014 in Fort Wayne, Indiana ([en.wikipedia.org/wiki/Fort\\_Wayne](http://en.wikipedia.org/wiki/Fort_Wayne)). Our primary venue will be the Allen County Public Library (ACPL), giving attendees the opportunity to: explore the ACPL's vast Genealogy Center<sup>1</sup> and use its extensive computerized resources including its PERSI periodicals index;<sup>2</sup> access the EFA Collection which has recently been established at the Genealogy Center and comprises some of the EFA Archives previously held at the Historical Society of Cecil County in Elkton, Maryland, as well as family pictures and memorabilia donated by Wallace K. Ewing; learn about how the EFA Collection is being handled by the Genealogy Center; and possibly visit the Center's prestigious Lincoln Collection housing memorabilia and a number of original documents signed by President Abraham Lincoln.

Overlapping the gathering will be Fort Wayne's annual Johnny Appleseed Festival.<sup>3</sup> The Fort Wayne area also offers several other opportunities for excursions or journeys back in time, for example to the Old Fort<sup>4</sup> with its Military Encampment and Trappers and Traders Living History areas.

Arrangements for hotel accommodation have been made with the Best Western Luxbury Inn in Fort Wayne.<sup>5</sup> The Luxbury Inn offers a complimentary hot breakfast, free WiFi, business and fitness centers, an elevator and meeting rooms. Although the majority of day-time meetings will occur in the ACPL's meeting facilities, informal meetings will be held at the Luxbury Inn. Room prices will be \$75 plus tax per night.

A final schedule for the Gathering appears on the following page. Please note the times and topics we will cover. If you have any questions, contact Beth Toscos ([MBToscos@comcast.net](mailto:MBToscos@comcast.net)) or Daniel Ewing ([DC.Ewing@frontier.com](mailto:DC.Ewing@frontier.com)).



**Ft. Wayne, Indiana**



**Allen County  
Public Library**



**Genealogy Center**



**Johnny Appleseed Festival**



**Old Fort**

<sup>1</sup> [genealogycenter.org/Home.aspx](http://genealogycenter.org/Home.aspx)

<sup>2</sup> For more information about PERSI, see the *Journal Gazette* article recently reprinted in a previous issue of the *Ewing Family Journal* (Vol. 19, No. 3, pp. 35-36).

<sup>3</sup> [www.johnnyappleseedfest.com](http://www.johnnyappleseedfest.com)

<sup>4</sup> [oldfortwayne.org](http://oldfortwayne.org)

<sup>5</sup> [www.roomstays.com/hotel/641885](http://www.roomstays.com/hotel/641885)

# Ewing Family Association Thirteenth Biennial Gathering

Fort Wayne, Indiana  
September 19-21, 2014

## Schedule

### Thursday, 18 September 2014

No formal meeting arrangements. But informal meetings and discussions may be held among gathering attendees at the Best Western Luxbury Inn and the Allen County Public Library.

### Friday, 19 September 2014

- 8:30 Registration Begins at the Allen County Public Library (ACPL)
- 9:00 Greetings and Initial Meeting at the ACPL
- 9:15 Introduction To and Tour Through the ACPL Genealogy Center with Center Staff
- 12:15 Box Lunch
- 13:30 Presentation by Cass County Historical Soc.: *Ewings and the Fur Trade*
- 15:00 Presentation by Wabash & Erie Canal Soc.: *Erie Canal Economic Impact During the mid-19th Century*
- 17:30 Dinner at J. K. O'Donnell's Irish Pub
- 19:30 Informal Discussion of the EFA Name – Best Western Conference Room, 3<sup>rd</sup> Floor

### Saturday, 20 September 2014

- 9:00 Plenary Meeting at the ACPL Public Meeting Rooms
  - Archives – The Move to ACPL (Daniel C. Ewing)
  - Pocahontas James Memorial (Larry Ewing)
  - Clanship Committee and Family Convention (David Neal Ewing and Beth (Ewing) Toscos)
  - Ewing Surname Y-DNA Project (David Neal Ewing)
  - Clan Ewing – The Way Forward (Thor Ewing)
  - Early Scottish Records Research (David Neal Ewing)
- 10:30 EFA Member Meeting
- 12:00 Adjourn for Lunch on Your Own
- 18:00 Banquet at the Landmark Convention Centre
  - Keynote Presentation by Michael Galbraith, Executive Director of the Architecture and Community Heritage Organization: *Ewing Family in Fort Wayne*
  - Entertainment by *Rocky Creek*

### Sunday, 21 September 2014

- 11:00 Official Adjournment of the 2014 Gathering – Ewing Monument, Lindenwood Cemetery
  - Call to Order & Farewell – Denny Andrews, Fort Wayne Pipe & Drum Corps

# Ewing Family Association Thirteenth Biennial Gathering

Fort Wayne, Indiana  
September 19-21, 2014

## Registration Form

*Down the Canal  
into the New Frontier*



Name: \_\_\_\_\_

Street: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

E-Mail: \_\_\_\_\_

*NOTE: Your EMail address will be used to confirm your registration and to send you news about the 2014 Gathering. If you do not have an EMail address or prefer not to use it, please enter 'none'.*

Phone Number (including area code): ( \_\_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_

Preferred Name for ID Badge	First Timer?	EFA Member?	Fee
_____	Y / N	Y / N	\$ _____
_____	Y / N	Y / N	\$ _____
_____	Y / N	Y / N	\$ _____
			Total Fee \$ _____

### ***Fee Schedule***

Adults: \$180 if paid before September 8<sup>th</sup>; \$200 on or after September 8<sup>th</sup>. Children (under 12): \$100 if paid before September 8<sup>th</sup>; \$110 on or after September 8<sup>th</sup>.

Earliest Known Ewing Ancestor (to appear on your ID Badge): \_\_\_\_\_

**Cancellation policy:** Cancellations received prior to September 8, 2014, are subject to a \$25 per person processing fee. Cancellations on or after that date are subject to a charge of 50% of the total fee.

**Send a check for the Total Fee, made payable to 'Ewing Family 2014 Gathering', with a completed registration form to Lynn Coughlin, EFA Treasurer, 1330 Vaughn Court, Aurora, IL 60504**

Questions about the Gathering? EMail or Call Beth Toscos  
EMail: [MBToscos@comcast.net](mailto:MBToscos@comcast.net) ... Voice: + 1 260.432.4538

# Ewing Family Association Thirteenth Biennial Gathering

Fort Wayne, Indiana 19-21 September 2014



## Lodging Information

The Best Western Luxbury Inn, our venue for the 2014 Gathering, has reserved a block of rooms for the Ewing Family Association. Since Fort Wayne in the autumn is a very busy place, we recommend that you consider making your lodging reservation early. For our special EFA Gathering rate, reference the Ewing Family Association when you call to make your reservation.

Best Western Luxbury Inn  
5501 Coventry Lane  
Fort Wayne, IN 46804

+1 800.223.5615

The room rate is \$74.99 plus tax. Pets are welcome for an additional fee of \$20 (two pets maximum per room). Each guest room features a 37" flat-screen TV, free WiFi, refrigerator/microwave, iron/ironing board, hair dryer, coffee/tea maker and free local and toll-free calls. There is a complimentary, hot, deluxe breakfast, both business and fitness centers, guest laundry facilities, an interior corridor and elevator and meeting room facilities that the Ewing Family Association will use for meetings not held at the Allen County Public Library.



# Ewing Family Association Thirteenth Biennial Gathering

Fort Wayne, Indiana 19-21 September 2014

## Additional Information

### Information about Fort Wayne and Things to Do

Visit Fort Wayne – The Official Destination Marketing Organization for Fort Wayne and Allen County, Indiana – has posted a page about the gathering on their web site ([www.VisitFortWayne.com/ewing](http://www.VisitFortWayne.com/ewing)). It provides a veritable cornucopia of links to information about Fort Wayne and the local area as well as things to do. This web site's brief introduction to the gathering is:

*Fort Wayne is pleased and proud to host the 2014 Ewing Family Association Gathering at the Best Western Luxbury and the Genealogy Center at the Allen County Public Library. While in Fort Wayne, we hope you check out all that this community has to offer including great attractions, amazing shopping, and the wonderful Johnny Appleseed Festival. Occurring annually, the Johnny Appleseed Festival draws visitors from around the region to step back in time and enjoy - food, music, crafts, history, and more food!*

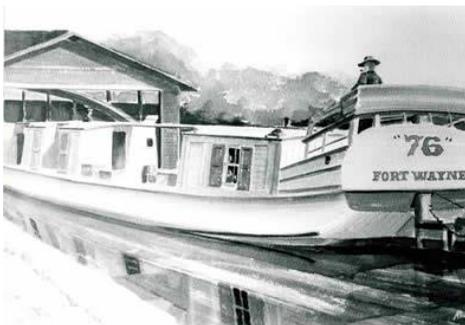
### Johnny Appleseed Festival

Voted #1 Festival! Period authentic festival that celebrates the life and times of John Chapman aka Johnny Appleseed. Includes food, demonstrations, crafts, antiques, roving entertainment, children's area, military reenactment, farmer's market and more! Fun for the whole family. Free admission. For more information, visit:

[www.visitfortwayne.com/event/johnny-appleseed-festival](http://www.visitfortwayne.com/event/johnny-appleseed-festival) --- or --- [www.johnnyappleseedfest.com](http://www.johnnyappleseedfest.com).

### Wabash and Erie Canal

This will be the subject of a presentation during the gathering. Here's some brief background information. More information may be found at [www.archfw.org/WabashandErieCanal.htm](http://www.archfw.org/WabashandErieCanal.htm).



Historical Society Marker:

*Past this point flowed the Wabash and Erie Canal begun at Fort Wayne in 1832 and dedicated at Fort Wayne July 4, 1843. In its final phase the canal ran from Maumee Bay on Lake Erie, through Fort Wayne and southwestward to Lafayette and thence to the Ohio River. It was abandoned in 1874, sold in 1877, and its path through Fort Wayne sold in 1881 to the Nickel Plate Railroad for its roadbed. The last boat was seen on the canal in 1882*

## ***Our 2014 Homecoming: Part I***

**Karen Avery (BKAvery2@comcast.net), Beth (Ewing) Toscos (+1 260.432.4538, MBToscos@comcast.net), Jane Weippert (JaneWeippert@windstream.net)**

We three cousins – (Ewing Family Association (EFA) Genealogist) Karen Avery, (EFA Secretary) Beth (Ewing) Toscos and (EFA Board of Directors Member) Jane (Ewing) Weippert – have continuously shared information about our common heritage and collaborated on expanding it. A couple of years ago, we decided to travel out, as a team, to explore and pin down the details of our farther-back ancestors. Our first outing was a research trip to Connecticut, pursuing the genealogy of the Alexander Ewing Family in Ashford, Connecticut.<sup>1</sup>



**Genealogy Group of Three:  
Jane, Beth and Karen**

After the Alexander of Ashford research trip to Connecticut, the team – the Genealogy Group of Three – decided to take a further step and visit Scotland and Ireland. For Karen and her spouse, Bob, Beth and her spouse, Michael, and Jane, this represented a once-in-a-lifetime adventure. With age being a deciding factor, the Genealogy Group of Three chose not to wait any longer.

Planning for a Spring 2014 research trip was in the works when word came of a Ewing family-related Derbhfine (Family Convention) to be held in Clydebank, Scotland, on the 6<sup>th</sup> of June 2014. This felt like a remarkable coalescence of timing. After offering to 'observe' the Derbhfine, Beth found herself drafted into the EFA's Clanship Committee with an assignment to represent the EFA's interests at the Derbhfine. The wheels had begun to turn.

So ... As a second 'outing' the Genealogy Group of Three decided to make a two-week trip to Ireland and Scotland, May 27 to June 12, 2014.

This part of our trip report focuses on our attendance at the Ewing/MacEwen Derbhfine (Family Convention) held in Clydebank, Scotland, near Glasgow, on June 6, 2014. The focus of this event was to present to the Lyon Court arguments for there being two clans, Clan Ewing and Clan MacEwen, with Thor Ewing and Sir John MacEwen, respectively, as Commanders. Beth (Ewing) Toscos attended this event as the Ewing Family Association's (EFA's) official representative, charged with presenting the EFA's position with respect to the issue of there being two clans and the commanderships of Thor Ewing for Clan Ewing.

The other parts of the Genealogy Group of Three's homecoming journey will be discussed in a future, Part II, of this sequence of articles.

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<sup>1</sup> Toscos, Beth (Ewing). Planning and Conducting a Journey Into the Past: Researching the Alexander Ewing Family of Ashford, Connecticut, *Ewing Family J.*, Vol. 19, No. 4 (November 2013), pp 57-61

## The Ewing/MacEwen Derbhfine

The 6<sup>th</sup> of June 2014 will remain a very special day in Ewing history. It is the day the Ewings and McEwens were given the opportunity to participate in a Derbhfine – a Family Convention. The Convention had been in the making for quite some time. The EFA and the Clan Ewen Society (CES) had worked together to establish an agreement, facilitated by the



**The Honourable Adam Bruce (Marchmont Herald, Lyon Court), Sean McCuin, CES, and Beth (Ewing) Toscos, EFA, prepare to get down to business.**



**John Thor Ewing comments on the way forward for Clan Ewing.**

Honorable Adam Bruce, Marchmont Herald of Lyon Court, Scotland's heraldic authority for all matters relating to Scottish Heraldry and Coats of Arms. At 2:00 p.m. on Friday, June 6<sup>th</sup>, the Beardmore Hotel and Conference Centre on Clydebank, Scotland, near Glasgow, hosted this very rare occasion. Representing the Lyon Court was Adam Bruce. Representing the Clan Ewen Society was Sean McCuin, and representing the Ewing Family Association was Beth (Ewing) Toscos.



**(l. to r.) Adam Bruce, Gregor Ewing, Thor Ewing, Bruce McEwen, Anne-Marie Ewing (Thor's wife), Karen Avery, Margaret and William Skidmore Ewing, Jane (Ewing) Weippert, and (in front) Thor's Children, Gwendolyn Rose 'Gwennie' and Caradoc**



**William Skidmore Ewing and his Wife Margaret of Muirkirk Chryston near Glasgow**



**Sir John McEwen (Commander of Clan MacEwen), Beth (Ewing) Toscos (EFA) and Sean McCuin (Chair of the Clan Ewen Society)**

The wheels of heraldry move slowly. However, the Family Convention actually moved very quickly. Pre-planning, negotiation and a well-defined agreement had all worked to create the opportunity to move swiftly through the required agenda. Preliminary negotiations had occurred over a period of months between the CES and the EFA, headed by Sir John McEwen and David Neal Ewing, respectively. CSE and EFA representatives read prepared statements regarding the need for a chief for the remnants of Clan Ewen of Otter. Part of the agreement reached before the Derbhfine allowed for the petition to Lyon to request that two distinct clans be recognized – Clan MacEwen and Clan Ewing. The representatives nominated their respective choices for Commander. Sir John McEwen was nominated for Commander of Clan MacEwen and John Thor Ewing was nominated for Commander of Clan Ewing. Sir John and Thor spoke to the nominations, a vote was taken by the assembly, the nominations were passed by

acclamation, and the Family Convention was concluded. The Petition and Agreement were to be forwarded by Adam Bruce to the Lord Lyon. Mr. Bruce indicated that he thought a fairly quick turnaround was likely.<sup>2</sup>

Following this remarkable Convention, the attendees spent the remaining afternoon and evening in fellowship, concluding with a dinner that served as the opening of the 2014 Clan Ewen Society Gathering.



*Karen began her genealogical research in 1995. Soon thereafter she discovered and joined Clan Ewing in America (now known as the Ewing family Association (EFA)). Her mother's Ewing family ancestry had long eluded numerous researchers until Karen discovered possible ancestors residing in Ashford, Connecticut in 1732. In 2008 Karen began serving on the EFA Board of Directors. She also has served as the EFA Genealogist since 2009 and keeps a personal Ewing database containing more than twelve thousand Ewing-related individuals. Karen will be happy to search her database in order to help others in their search for ancestors. Born and raised near Fort Wayne, Indiana, Karen is the wife of Commander Robert Avery, USN, Retired. Duty stations during twenty-four years of military service included tours on both the East and West Coasts, the Gulf of Mexico, Guam and Hawaii before the family retired to Northern Virginia in 1984..*



*Beth (Ewing) Toscos has been a member of the Ewing Family Association (EFA) since 2004, a Board member since 2006, and EFA Secretary since 2010. A recently-retired human resources professional, Beth studied theater at Miami University of Ohio and the Drama Studio, London, England. She received a B.S. from Purdue University. She is currently coordinating the Ewing Family Association's 2014 Gathering in Fort Wayne, Indiana, along with Daniel C. Ewing and Jane (Ewing) Weippert. Beth's personal genealogy odyssey began in 1971 on the lonely McEwen promontory near Kilfinan on Loch Fyne, Cowal Peninsula, Scotland.*



*Jane (Ewing) Weippert and her husband, William, live in rural Cecil, Ohio, where they raised three daughters. Jane worked for over thirty years as an office manager for the Ewing-family landscape business that her father started in 1952. A grandma of five, Jane now enjoys spending time with her grandchildren. Jane has been interested in genealogy since the early 1990s and has been a member of the Ewing Family Organization (EFA) since 2004. She served as the EFA Treasurer from 2008-2012. Jane's dad (deceased) is participant RC in the Ewing Surname Y-DNA Project.*

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<sup>2</sup> As of July 8<sup>th</sup> – about a month after the end of our trip – the Lyon Court indicated they were in the process of authorizing Warrants naming Thor Ewing as Commander *ad interim* of the 'Honourable Clan Ewing'. (Read more about the Lord Lyon's ultimate decision on page 13).

## ***A Tartan for Clan Ewing***

Thor Ewing ([thor@historicalarts.co.uk](mailto:thor@historicalarts.co.uk))

One of the first things anyone asks about a Scottish clan is, 'What's your tartan?'

These days, most people know that the rigid system of clan tartans only developed in the late eighteenth and early nineteenth centuries, when the glory days of the clans were already done. It's less well known that the basic idea of distinctive clan tartans can be traced as far back as the 1600s. But whatever the history, a tartan is certainly an essential part of clan identity today. So when I had an EMail from Eric Ewing asking what tartan he should wear as a Ewing for a family wedding, I knew it was an issue to take seriously.

As most readers will know, there have been competing claims made for both MacLachlan and MacEwen Tartans. In the past I've worn the MacEwen Tartan myself, on the grounds that we once shared this name. However, one of the upshots of the Family Convention in June was to distinguish the Ewings (who seem to be descended from Clan Ewen of Otter) from both the MacEwens (who seem to be descended from a variety of other clans) and the MacLachlans (who share ancient ancestry and were once our neighbours, but were always a separate clan). Clearly, the same distinctions should exist in a tartan.

### **How To Make Your Tartan**

Tartan design comes down to arranging groups of threads or yarns of different colours, which cross each other to make a pattern. The arrangement of yarns is recorded by counting the number of threads of each colour, which gives the 'sett' for the tartan. Wherever two colours cross, they merge into each other forming a colour midway between the two. Thus the simple patterns of stripes which form the sett on which each tartan is based emerge as beguiling and sometimes intricate webs of colour. Because the arrangement of horizontal and vertical threads is almost always identical the patterns have rotational symmetry and, because the arrangement of threads from right to left is usually repeated backwards left to right, they also have mirror symmetry.

Only two restrictions are practical: the tartan has to be woven and it has to be worn as a kilt. For it to be weavable, the yarns must be arranged in pairs and so thread-counts are made up exclusively of even numbers (some modern looms can accommodate single yarns, but a good deal of a tartan is still woven on old-fashioned looms by artisan weavers). For it to make a successful kilt, it has to be big enough to show clearly and small enough to show completely. This is usually taken to mean that the full sett should have something like 250 yarns, which gives a sett of 5" to 7" when woven in medium yarn. If the numbers for the thread-count remain divisible by two at smaller sizes, so much the better, as this allows greater flexibility when sizing up or down.

### **Where To Start**

In tartan design, the possibilities are literally endless. A designer can arrange whatever colours he or she chooses in whatever way he or she wants. However, in designing a tartan for the Ewing clan, I felt a responsibility to do something which went beyond personal taste. I was keen to involve other clansfolk in the process, so I decided to discuss the design with the EFA Clanship Committee at every step. I also included Eric and Steve Ewing in the discussion – Eric because it was his interest which had spurred

me into action, and Steve because I knew he'd been involved with the design of a new tartan for the Martha's Vineyard Scottish Society and that he was keen to see a Ewing Tartan.

As well as getting other Ewings on board, it also seemed important to establish a clear rationale. My starting point for a design was a plaid mentioned in the testament of John Ewing in Heiddykis of Kirkmichael (d. 1609) which was described as 'six ells of red & black coloured cloth.' Descriptions of tartan cloth are rare in historical sources. This is the only record we have of a tartan genuinely associated with the Ewings, and we're very lucky to have it. It gives us the opportunity to develop a tartan which has a deep connection with our past. A red-and-black tartan reflects what we know was really worn by earlier generations of Ewings, and symbolises our continuity as a clan with our ancestors. A red-and-black tartan from this period is John Campbell of Bank's tartan.

David Ewing experimented with a design where the thread-count was based on the distinctive features of the Ewing Y-DNA modal. I rather like the idea of expressing DNA in the form of a tartan, but unfortunately it makes for a tartan which seems exclusive to the closely-related group rather than something for the whole clan. And although tartan design is expressed as a series of numbers describing thread-counts, I prefer to manipulate the numbers to achieve a pattern, rather than allow the pattern to be dictated by numbers alone.



**Cunningham Tartan**

These tartans form part of a family of plain-spoken, four-square tartans which also includes Erskine, Bruce, Wallace and Ettrick District tartans. Historical Campbell Tartans were also typically red and black, and usually follow a similarly straightforward pattern. Ultimately, many of these red and black tartans are variants on the ancient tartan known today as Rob Roy, or in America as Buffalo Plaid.

One way to approach the design of a new tartan is to look at existing designs. I noticed similarities in a group of tartans linked with clans and regions associated with Clan Ewing. In particular, the Cunningham Tartan (to the left), Lennox Tartan (to the right) and MacLachlan Chief Tartan (on the next page) feature a double-stripe which crosses the middle of the larger squares. Together,



**John Campbell of Bank**



**John Campbell  
of the Bank Tartan**



**Lennox Tartan**

At first, I tried combining the red and black of John Ewing's tartan with a contrasting stripe, but there seemed to be general agreement, on grounds of both history and style, that the simple red and black was more effective. Having settled on a two-colour red-and-black tartan, and having identified a clutch of tartans as comparative material, it was already possible to imagine more-or-less how the finished design would look. However, the whole design process involved an extraordinary succession of prototypes and fine adjustments. I haven't counted the number of image files generated on my computer, but I know they run into hundreds.



**MacLachlan Chief Tartan**

Since February 2009, all new tartan designs must be approved by the Scottish Register of Tartans, and they have the power to reject any design on the grounds that it is not sufficiently different from others on the Register. The guidelines on what counts as 'sufficient difference' are interpreted strictly. I believed all my designs were unique and distinctive, but my first two attempts were rejected as not being sufficiently different from tartans already recorded on the Register.

After these first two rejections, I was working on a new pattern in the days leading up to the Family Convention on June 6<sup>th</sup>. I had hoped to submit this before the Convention but I still wasn't fully satisfied with the result, and I decided it was more important to take a few more days and get it right. By the time of the Family Convention, my eye was leaping to every piece of tartan I saw, calculating thread-counts and proportions. In the end, I was starting to dream in tartan!

A short while afterwards, I was ready to submit a final design for Ewing Tartan, which incorporated two additional differences when compared with my earlier designs. Whilst being unique and distinctive, this design was still clearly within the same family of tartans identified as appropriate for a Ewing Tartan, and it remained true to the original rationale on which all the designs were based.

When we met up at the Family Convention, William Skidmore Ewing asked to be included in the group discussing tartans. The group had already approved a rough design for the next submission, and I included William in the next update letting everyone know that the new design had been submitted to the Register. William argued passionately (at times even poetically) for a blue tartan, but the key decision on colour had already been taken and a final version submitted.



**Ewing Tartan**

On June 30<sup>th</sup>, the new pattern was approved by the Keeper of the Register of Scottish Tartans.

## **So, What's Going On In This Pattern? (or, Ewing Tartan For Geeks)**

Tartans, especially two-colour tartans, are all about geometry. Getting the proportions right is the key to a pleasing pattern and a tartan that works. In the end of course, the effect on the eye is more important than any theory, which is why I've kept this section till last.

Tartan designers talk about an under-check, meaning the large blocks of colour on which the pattern is based, and an over-check, which is the pattern of stripes superimposed on the under-check. In the Ewing Tartan, the proportions of the under-check are based on the 'Golden Section' reflecting the proportion 1:1.618 (see image to the right). This is a geometrical trick which has been used since Ancient Egyptian times to create pleasing ratios, and famously shapes the proportions of the Parthenon in Athens. The Golden Section is also widely found in nature, and in mathematics it underlies the Fibonacci Sequence of numbers. In terms of the Ewing Tartan, it means that the ratio of the large red square to the smaller black square is the same as the ratio of both squares to the red square alone. As a result, the areas where red and black overlap have the proportions of a 'Golden Rectangle.'



**'Golden Section' Tartan**

This unequal proportion is combined with a more straightforward square geometry, whereby the single thin black stripes form equally proportioned squares throughout the design, irrespective of the unequal red-and-black divisions of the under-check.

The black double stripe running through the centre of the red square is a feature of the group of tartans identified above. In this case, its proportions are identical to the MacLachlan Chief Tartan. Not only does this honour establish a link with a kindred clan which has offered a home to Ewings for more than a hundred years, but it perfectly reflects the widths of the red-and-black stripes at the edge of each square and so integrates the over-check with the under-check.



**Vitruvian Man Overlay  
of the Ewing Tartan**

So much was achieved by design, but I was pleased to discover that the overall pattern of stripes within the red square also adheres to theories of proportion worked out by the Roman Vitruvius, who is now known chiefly through Leonardo da Vinci's famous Vitruvian Man.<sup>1</sup>

That's probably more information about the tartan than any sane person would want to know. My excuse is simply that the whole process demanded painstakingly close attention to detail throughout. But as Beth (Ewing) Toscos has reminded me, this is a design for our descendants for perhaps hundreds of years to come. I think it was worth the effort.

*medieval Scandinavian and Celtic poetry. He joined the Ewing Surname Y-DNA Project in 2007 (he is JT in Group 2\*), and his own line comes through Lurgan, County Armagh, in Northern Ireland. He is webmaster for the Clan Ewen Society, and his recent New Notes on Clan Ewen<sup>2</sup> looks at how modern Ewings and MacEwens originate in the clans of medieval Scotland. His personal web site is at ThorEwing.net.*

*Thor Ewing is a writer, historian and historical performer in the U.K. He has published studies of Viking and Anglo-Saxon culture and translations of*



<sup>1</sup> da Vinci's famous Vitruvian Man depiction demonstrates the superior quality of the Ewing Tartan. But ... Warning ... Do not try this with other tartans, as it might cause injury to your Vitruvian Man!

<sup>2</sup> Ewing, Thor. *New Notes on Clan Ewen*. Private Printing, 2009. See [thorewing.net/books/clanewen](http://thorewing.net/books/clanewen).

## ***Clan Ewing***

One of this issue's 'hot topics' is the re-creation – resurrection – of Clan Ewing as an organization separate from but collaborative with the Ewing Family Association (EFA). This article contains a collection of items talking about how this happened and its implications. Other pertinent material appears in Wallace Ewing's Chancellor's Message (see page 43) and Beth (Ewing) Tosco's article about her participation in the Derbhfine (Family Convention) (see page 6) during which the decision to officially recognize Clan Ewing was made.

### **Clan Ewing Officially Recognized in Scotland**

**David Neal Ewing, Activity Coordinator, Clanship (+1 505.764.8704, [DavidEwing93@gmail.com](mailto:DavidEwing93@gmail.com))**

The Court of the Lord Lyon in Scotland has formally recognized "the honourable Clan Ewing" as a Scottish Clan for the first time ever, and has recognized Thor Ewing as Commander. This is a truly historic day for Clan Ewing, which has had no chief or formal recognition as a distinct clan since Swene McEwen died in the fifteenth century.



The Ewing Family Association (EFA) had begun considering by January 2011 whether to seek official recognition of Clan Ewing. Some members of the EFA are passionately interested in there being a Clan Ewing but few of them understood the role of the Lord Lyon in making determinations about such matters and some of them appeared to mistakenly believe that the registered name of the EFA to have some bearing on the matter. Others took pains to educate themselves and participated fully in the discussion and subsequent negotiations with the Clan Ewing Society (CES) in Scotland. I sent a letter to the Lord Lyon expressing our interest in the question, and he invited EFA participation in a then-yet-to-be-scheduled Derbhfine (Family Convention) where the matter would be settled.

On July 23, 2011, the EFA Board of Directors passed the following motion

*The Lord Lyon in Scotland has invited participation of the Ewing Family Association (EFA) in a Derbhfine he is convening to determine whether he should formally recognize Clan Ewen. The EFA Board of Directors (BoD) feels that this decision will have an impact on many members of the EFA, so the EFA should represent their interests before the Lord Lyon, recognizing that not everyone has the same interests.*

*The BoD realizes that the meeting will probably proceed as a kind of negotiation, so rather than establish a detailed official position, the BoD has decided to establish some general guidelines and to create a EFA Clanship Committee to develop and negotiate the details.*

*The BoD feels that the official position of the EFA shall be:*

- *in favor of maintaining cordial and collegial relations with all persons participating in the discussion,*
- *in favor of respecting the beliefs and sensibilities of others even when there are disagreements as to matters of fact,*
- *in favor of respecting historical evidence,*
- *in favor of welcoming all interested persons to full participation in whatever Clan or Clans may be formed, and*

- *in favor of adequate recognition of the fact that the Ewings of Lennox have a distinct history, identity and armorial tradition.*

*The BoD hereby designates David Neal Ewing to lead this committee and arrange for additional EFA members of his choosing to participate. Keeping the general principles outlined above in mind, they are to seek agreement with the other participants in the meeting, and to support whichever candidates for Chief or Commander may seem appropriate at the time.*

I appointed Wally Ewing, Joe Neff Ewing, Jr., and Thor Ewing as members of the Clanship committee, and later, when we learned that EFA Secretary Beth Ewing Toscos would be in Scotland at the time the Lord Lyon would be supervising a Family Convention, she was added to the committee.

The CES had been trying to get official recognition of Clan Ewen for many years (twenty or more). They considered all persons with surnames related to the Celtic forename *Eoghain* to be at least spiritually descended from the ancient Clan Ewen of Otter, and their vision was of what I have elsewhere called a "pan-Ewen" clan.

More recently, Thor Ewing's research has revealed that many modern-day McEwen lines were in fact founded by individuals with the forename Ewen who were members of other clans, and he made the argument that it is modern-day Ewings that have the best claim to descent from Clan Ewen of Otter. A rather contentious struggle within the CES developed around this disagreement and it became plain to me that there was not enough agreement about the historical facts to settle the question and that trying to settle it by arguing from passion would achieve nothing but hard feelings all around.

The fact is that no living person can provide conclusive proof of descent from Clan Ewen of Otter, much less any proof of descent from or relationship with Swene McEwen. Very few Ewings or McEwens have any documentation of their ancestry prior to the seventeenth century and most of them only know their personal genealogies back two or three generations. But many of the McEwens use the *Riveresco* crest and most Ewings use the *Audaciter!* crest.

Our Ewing Surname Y-DNA Project found that most American Ewings who have been tested are actually blood relatives with a common ancestor who lived something like 500 years ago. Not enough McEwens have been tested to say too much about how they may be related to one another, but none of those tested are related to the 'large closely related group of Ewings'. It became clear to us that tacitly allowing Clan Ewing to become submerged in a pan-Ewen clan of many origins would be disrespectful of our ancestral clansmen. In February 2014 I moved that the EFA Board of Directors nominate John Thor Ewing as Commander of a Clan Ewing and the motion was adopted.

The EFA Clanship committee participated in a long discussion and negotiation with the CES, and especially with Sir John McEwen, their nominee for Commander of Clan Ewen. As long as we focused on our areas of disagreement, it appeared impossible that we could arrive at a mutually satisfactory recommendation to the Lord Lyon. Finally, I suggested that we focus rather on our areas of agreement and see if those could be cobbled into a unanimous position. At last, this succeeded and we agreed to make the following unanimous recommendation to the Lord Lyon and Sir John accepted it without change:

1. That Clans Ewing and MacEwen be recognized as distinct clans.
2. That Sir John McEwen be appointed Commander for Clan MacEwen.
3. That John Thor Ewing be appointed Commander for Clan Ewing.

4. That it is acknowledged that the modern-day heirs of Clan Ewen of Otter are not known with certainty.
5. That any person, of any name, regardless of the specific spelling or indeed of whether the name is even related to the Celtic *Eoghan*, who identifies with either Clan will be welcome within it.
6. That Clan Ewing and Clan MacEwen resolve to maintain a kinship of purpose and mutual respect, each clan supporting the other in matters of research, fellowship, etc.

The EFA did not expend any funds in connection with the Derbhfine except the little that was required to set up a video link so that EFA Clanship Committee members who were not able to be present could participate from home. Beth (Ewing) Toscos and her cousins and Thor and his family paid all of their own travel and lodging expenses. The CES paid the hotel and the supervising officer who helped us with the process. I have today written John McEwen to find out what the entire process ended up costing the CES, but my guess is that it was probably something over \$3000. I am going to be making a motion to the EFA Board of Directors (BoD) to reimburse the CES for half of the expenses incurred, but I am not sure whether the BoD will approve or if we have enough money to do this. Contributions from EFA members to help with this would be very welcome. Keep in mind that we are a 501(c3) organization and as such, donations will be tax deductible. Please send any donations to our treasurer, Lynn Coughlin ([LLCoughlin@comcast.net](mailto:LLCoughlin@comcast.net)), and note on the check that the contribution is earmarked for the "Clanship Fund."

Meanwhile, I am sure that the Chancellor and the BoD are going to want to appoint a new Activity Coordinator to deal specifically with issues affecting Clan Ewing and to develop a plan for promoting Clan Ewing in America. Please volunteer!

## **Establishing the Clan Ewing Commander**

From Bruce Gorie on behalf of the Court of the Lord Lyon to David Neal Ewing:

*I can confirm that ...the Lord Lyon has signed Warrants authorising the Lyon Clerk to prepare a Commission [recognizing] Thor Ewing as Commander ad interim of the Honourable Clan Ewing. This is in the process of being prepared and once it has been sealed and signed either myself or one of my colleagues will contact you with the details.*

Subsequent Notice to Thor Ewing: (see next page)

## **The Fundamental Nature of a Clan**

**Wikipedia ([en.wikipedia.org/wiki/Scottish\\_clan](http://en.wikipedia.org/wiki/Scottish_clan))**

*A Scottish clan (from Gaelic clann, "progeny") is a kinship group among the Scottish people. Clans give a sense of shared identity and descent to members, and in modern times have an official structure recognised by the Court of the Lord Lyon, which regulates Scottish heraldry and coats of arms. Most clans have their own tartan patterns, usually dating from the 19<sup>th</sup> century, which members may incorporate into kilts or other clothing.*

Dr. Joseph J. Morrow  
Lord Lyon King of Arms



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Our Ref: JJM/BG

18 June 2014

**CONFIDENTIAL**

Thor Ewing, Esq.,  
Langdale House,  
Brampton Bryan,  
Bucknell,  
Hertfordshire,  
SY70DH

Dear Mr Ewing,

I have today signed the Warrant for your appointment as Commander of Clan Ewing. May I wish you every happiness and success in your new appointment.

Yours sincerely,  
Joseph Morrow

*The modern image of clans, each with their own tartan and specific land, was promulgated by the Scottish author Sir Walter Scott and others. Historically, tartan designs were associated with Lowland and Highland districts whose weavers tended to produce cloth patterns favoured in those districts. By process of social evolution, it followed that the clans/families prominent in a particular district would wear the tartan of that district, and it was but a short step for that community to become identified by it.*

*Many clans have their own clan chief; those that do not are known as armigerous clans. Clans generally identify with geographical areas originally controlled by their founders, sometimes with an ancestral castle and clan gatherings which form a regular part of the social scene. The*

*most notable gathering of recent times was "The Gathering 2009" which included a "clan convention" in the Scottish parliament.*

*It is a common misconception that every person who bears a clan's name is a lineal descendant of the chiefs.*

*Many clansmen although not related to the chief took the chief's surname as their own to show solidarity, or for basic protection, or for much needed sustenance.*

Clarification by David Neal Ewing ([DavidEwing93@gmail.com](mailto:DavidEwing93@gmail.com))

Wikipedia has it exactly straight. I and many Ewings are members of Clan Ewing. The last recognized Chief of Clan Ewen of Otter, Swene McEwen, died late in the fifteenth century and McEwan lands were ceded to the Campbells. There was no fighting. Indeed, many Ewings became allies of the Campbells and fought with them in the Argyle Rebellion, which ended badly and we think that maybe that what actually resulted in the semi-legendary "six stalwart brothers" emigrating to America. Since then, as Wikipedia tells us, Clan Ewing has been an *armigerous* clan. I have heard it termed a "broken" clan. Some have thought it to have become a *sept* of some other clan. It has never had official recognition of its status as an independent Scottish clan.

Just last month, because of the efforts of the Ewing Family Association (EFA) Clanship Committee members, Clan Ewing has at last obtained official recognition as a Scottish Clan by the Court of the Lord Lyon. And Thor Ewing was recognized as 'Commander' of Clan Ewing. If after five years it can be shown that Thor has earned the general respect and support of the clan, he will be recognized as Chief.

Most everyone in the clan is delighted to have at last a definitive official answer from Scotland. Though we never doubted that we are members of a clan, we were not certain that we could persuade the Lord Lyon to recognize the fact. Many of us look forward to cooperating with Thor and will volunteer our efforts on behalf of Clan Ewing – he already has set up a web site and a discussion group, and I am sure that he would welcome constructive input (especially *energetic* constructive input!) from the clan's people such as yourself. And he will be at the gathering of the EFA in September.

## **'Belonging' to a Clan**

**Martin S. Ewing** ([Martin.S.Ewing@gmail.com](mailto:Martin.S.Ewing@gmail.com))

My sense of a Scottish heritage was minimal before I joined the Ewing Family Association (EFA). As far as I can tell, my ancestry is predominantly English. I did not grow up with the idea of Highland Games, tartans, and strange foods, but I was interested in my deeper history in America.

Now, thanks largely to Thor Ewing along with David Neal and others, I find I'm taking more interest, although my heritage hasn't objectively changed! So I welcome the Lord Lyon's recognition of a Clan Ewing and look forward to participating in Ewing-related clan-ish, rather than research-ish, activities in the future.

The Ewing Family Association is a fine organization that provides a home for a person like me, who has the Ewing name, a bit of Scots-Irish background, and a paternal line going back into the 18<sup>th</sup> century of



American history. We – the EFA – are and will be closely connected with Thor and Clan Ewing and I look forward to reaping the fruits of this connection.

## **A Celebratory Poem**

**Steven Craig Ewing ([aquamv@gmail.com](mailto:aquamv@gmail.com))**

As the Ewing Family Association's unofficial Bard, I'm moved to recognize the re-creation of Clan Ewing with celebratory verse. It's dedicated to: the extended web of kinship shared by all fortunate to be connected with the families called Ewen and all their associated septs and clans; the new Commanders of Clan MacEwen and Clan Ewing, John and Thor (may you both make us all proud); and that Cairn on the rocky promontory on the Eastern shore of Loch Fyne, in Cowal, where the families held land for an extended period of time.



### **The Sun Upon the Cairn**

Steve Ewing, July 2014



*Climb up and share the light  
come on and see this spot  
breath in the salty air  
along this sparkling sea tossed loch*

*A cairn stands on a point  
proud, quite stout, alive  
marking where our clan  
once rallied family pride*

*Round rocks from down the shore  
are stacked to show to all  
a stronghold stood for years  
of stone and wooden walls*

*This rise is sacred ground  
through birth and death and time  
our clan had lived and thrived  
sustaining ancient lines*

*While they who roamed before  
were forced to move again  
fierce battles raged  
poor Scotland tore*

*We scattered  
like the rambling waves  
down on the rumbling shore  
a ragged band of kin*

*But blessed be our clan  
wild history has swept by  
we've kept the spark intact  
the family stays alive*

*Come share our place in time  
stand on this rocky hill  
feel the sun breathe in the sea  
let your spirit fill*

*Strong Ewen hearts survive  
beating loud and sure  
together for all time  
deep memories will endure*

*So let's all share the light  
up on this rubble hill  
come up embrace the sight  
our destinies fulfilled*

## **Clearing Up the Confusion**

**Roger Settlemeir ([RSettlemeir@sbcglobal.net](mailto:RSettlemeir@sbcglobal.net))**

There seems to be some confusion and misconceptions about clans and names – even though several of us have tried to distinguish between the historic Clan Ewing (recognized by the Lord Lyon) and the Ewing Family Association. Just when it looks like everyone has sorted out these names and entities, someone 'mixes apples and oranges' in their discussion points.

One way of keeping all of this straight is to put our EFA in a 'Cubicle A' and put the historic Clan Ewing in an entirely different 'Cubicle B':



**Ewing family Association (EFA)**

- A 501(c3) non-profit corporation; donations are tax-exempt.
- An organization with Members, Officers and Directors. The Directors are elected by the Members. The Officers are appointed by the Directors.
- Director and Officer actions are subject to the advice and consent of the Members.
- Can engage in various educational and scientific projects and activities, such as historical and genealogical research.
- Can engage in Scottish clan-oriented projects or activities if the Board of Directors or the members decide to do so.

**Clan Ewing**

- An historic Scottish clan, a community of families or householders and descendants.
- Membership by personal declaration: "I am a member of Clan Ewing."
- Has no organization. No officers; no directors.
- Has a Commander/Chief appointed by Lord Lyon:
  - Titular head of the clan;
  - Role is vague and hard to define;
  - Largely honorary and ceremonial; but
  - Has unilateral oversight rights and powers.

Notice that EFA is an entirely different organization from the historic Clan Ewing recognized by the Lord Lyon.

**Announcement of a Lord Lyon-recognised Clan MacEwen**

**John McEwen ([jrhmcewen@btinternet.com](mailto:jrhmcewen@btinternet.com)), Message to [ClanEwen@googlegroups.com](mailto:ClanEwen@googlegroups.com)**

The Lord Lyon has officially recognized Clan MacEwen with me, John McEwen, as its Commander. We are thus an organised Clan and, if we unite and thrive henceforth, in five years we shall have a Chief.

The question arises, what is Clan McEwen?

Without making any claims regarding ancestry, we derive the core of our identity from Clan Ewen of Otter, that part of it which scattered far and wide before and after the Clan lost its lands at the end of the 15<sup>th</sup> century. Travelling here and there these (variously spelled) MacEwens formed alliances with other Clans, and others of the name, were described as bandits, children of the mist, a broken Clan. Throughout this time, it might be imagined, the longing remained to become organised, to regroup and elect a Chief once more.



Then, once the Act of Proscription<sup>1</sup> had been repealed in 1782 and the Revival of the Clans, led by Sir Walter Scott, took hold, MacEwens sought to solidify their self-image. A crest and a motto were settled upon and a tartan recognised. No one knows whether these symbols of our identity relate to whatever

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<sup>1</sup> From Wikipedia: The Act of Proscription was an Act of the Parliament of Great Britain, which came into effect in Scotland on 1 August 1746. It was part of a series of efforts to assimilate the Scottish Highlands, ending their ability to revolt, and the first of the 'King's laws' which sought to crush the Clan system in the aftermath of the Jacobite Rising of 1745. These laws were finally repealed on 1 July 1782.

such symbols were employed by Clan Ewen of Otter but we would like to think they do. There has been, at any rate, much scholarly attention paid to the importance of the oak tree to the people of Dalriada. Whatever, our crest, motto and tartan are by now sufficiently time-honoured to be considered historical and entrenched.

Whatever our various origins (and no one, it seems, can be certain of his or her 15<sup>th</sup>-century forebears), we seek to bring together our several traditions, and are especially proud of the bardic element. We are a Clan of song and poetry, of art and literature and, now, photography; we also seem unusually rich in legal minds, politicians, doctors and even bankers. It would be fine indeed if we could intertwine our various strands of MacEwen expertise and provide a coherent voice to speak loudly among the other Clans, in Scotland generally and to the diaspora; and to listen. The MacEwen Clan is a good thing and seeks to do good.

We are of course aware that there are some in our beloved sister-Clan, the Ewing Clan (also sporting a newly-appointed Commander), who believe that the sept of Clan Ewen, referred to by R. S. T. MacEwen, which came to the Lennox country after the loss of Otter, gave rise to the Ewing family which established its arms in the 16<sup>th</sup> century – and that the heirs of the chiefly line are Ewings. There is plenty of room to accommodate this hypothesis and for both Clans to gaze through the mists in the direction of Kilfinan.

Even if the hypothesis were correct, it would not claim that Clan Ewen of Otter in its entirety settled in Lennox under the 'Audaciter' banner. Clan MacEwen is concerned with the remnants, the scattered element, those who wandered, bereft, chiefless and recognizing no Chief. Also, the Ewing name has long had a strong presence elsewhere than Argyll and, as prospective 'Chief of the Arms and Name', the new Ewing Commander – Thor Ewing – will doubtless be seeking to bring together all expressions of the vigorous Ewing identity. God bless the Ewings!

Clan MacEwen meanwhile must look to thrive in 2014 and onward. The Clan Ewen Society (under its vibrant new Chairman, Sean McCuin) is doing all it can to promote the Clan and it would be grand if everyone could encourage other clansfolk, and those sympathetic to the Clan, to become members of the society. Wear the tartan, proclaim your identity, be proud of your Clan! We have done quite well so far fulfilling our ancestors' command - to rise again - but there is a road yet to travel.

REVIRESCO!

## **Clan Ewing Restored**

**Thor Ewing ([thor@historicalarts.co.uk](mailto:thor@historicalarts.co.uk))**

In June this year, Lord Lyon, the chief heraldic officer of Scotland, tacitly acknowledged the existence of Clan Ewing by signing a warrant for my appointment as Commander. If there was no official fanfare, there is a good reason for this lack of ceremony. Lord Lyon's recognition of a Clan Ewing does not signal the creation of a new clan, it acknowledges the existence of a clan which has already existed for hundreds of years.



Over the last few years there had been ongoing argument over whether or not there was such a thing as a Clan Ewing. In essence this was an argument about whether the Ewing family could be considered as a clan. In the run up to the Family Convention on the 6<sup>th</sup> of June 2014, I presented evidence from various sources to show that the Ewing family genuinely exists as a clan. Lyon Court has now acknowledged that the Ewings meet these criteria and so are (have always been) a clan.

It's great to finally have official recognition of what we knew all along.

### **So, What Defines A Clan?**

As readers of the latest issue of *Scottish Heritage Magazine* will be aware, there is in fact a certain amount of disagreement over how exactly a clan is defined, with Lyon Court and the Standing Council of Scottish Chiefs offering differing views with regard to the claims of the Simpson or MacShimsi family. But the good news is that the Ewings are a clan by whatever definition you choose.

As I see it, there are three key elements to clanship:

1. **Consanguinity:** The clan is the family; there is no clear distinction in meaning between the two words. The notion of clanship is also inextricably linked with the historical role of the clans as close-knit communities in peace and war, but it's the family relationship which lies at the heart of clanship. For the Ewings, Y-DNA testing has shown that a lot of us actually share the same paternal line, but of course the wider family includes more than one line of descent. Other Ewing lines are almost certainly related by intermarriage, and most were probably already a part of the original medieval clan. Like other families, a clan can also adopt new members, who might or might not change their surname to match; that's one reason why many clans incorporate several different surnames.
2. **Independence:** For a small clan like ours, it was vital to form alliances with more powerful neighbours. Although our clan lost control of the barony of Otter to Clan Campbell in the 1400s, there's little sign of any hostility and, by the seventeenth century or even earlier, the Campbells were clearly our most powerful allies. No doubt there was more to this relationship than simply seeking shelter with a stronger clan. It's very likely that leading Ewings believed in a similar 'Whig' agenda, based in Protestant religion and political reform. Some clans were directly adopted as septs of a larger ally but, although Clan Campbell does include several smaller clans as septs, Clan Ewing has never been numbered among them. Instead it appears the Ewings remained an independent clan, who leant their support freely.
3. **Heraldry:** The distinctive Ewing coat of arms demonstrates our continued independence. In Scottish heraldry, all grants of arms must be consistent with the arms of the clan chief. Thus for instance, the arms of MacEwan of Muckley reveal his origins in Clan MacDougall, while the arms of MacEwan of Glenboig reflect an origin in Clan Cameron. By contrast, the Ewing arms are unlike any other, and clearly show that the Ewings were always regarded as an independent clan with its own distinct origin.

### **What Now?**

Lyon Court's recognition of our status as a clan allows us to assert our identity with renewed vigour. To this end, I have registered a Ewing Tartan based on a seventeenth-century description in the testament of John Ewing in Heiddykis of Kirkmichael. Of all the trappings of clanship, a tartan is surely the most iconic, and it seemed essential to establish our identity through a tartan at the outset. You'll find a separate article in this issue (see page 9) telling the tale of the tartan's design. I'm hopeful that the woven cloth will be available this autumn.

I have also set up a clan web site at [www.clanewing.uk](http://www.clanewing.uk) – please do take a look. You'll also find a forum there, where you can keep in touch with clan affairs via EMail. There's a Facebook group too, which I

still haven't quite managed to integrate with the web site, but which is already up and running and ready to join if you have a Facebook account.

Some voices have suggested there should be a new international Clan Ewing organisation. Of course, there is already an established Ewing-oriented organisation in the Ewing Family Association (EFA), and the existing organisation could certainly accommodate an additional role representing the Ewings as a clan, if it should choose to do so. I understand this issue will be discussed at the 2014 Gathering in Fort Wayne in September, and I have no wish to pre-empt this decision.

It's true that the EFA has limited reach outside the U.S., and proposes a separate U.K. reach. A Clan Ewing organisation or perhaps a Clan Ewing Trust might prove useful in the long run. One key function of a clan society is to organize a public presence at Scottish-interest events, and it's hard to see a better way to achieve this. However, a separate international Ewing organisation would double up on a good deal of bureaucracy and, because both bodies would be focused on the same core interest, it would force Ewings either to pay subscriptions to two separate organisations for one family, or to choose between them.

It would be foolish to try to map out the whole future of the clan on day one. In many ways, now is a time to take stock and to discover what it is we want from our future. Next year, I hope to spread the word through some of the biggest Highland Games and Gatherings. I also have half-formed plans for a possible Ewing Gathering in Scotland in a few years' time. But the big news for now is simply this: We are a clan. It's official!

### **Words of Wisdom**

Inside every older person is a younger person -- wondering what the hell happened. (Cora Harvey Armstrong)

The hardest years in life are those between ten and seventy. (Helen Hayes at age seventy-three)

Old age ain't no place for sissies. (Bette Davis)

A man's got to do what a man's got to do. A woman must do what he can't. (Rhonda Hansome)

If you can't be a good example – then you'll just have to be a horrible warning. (Catherine Unk)

If high heels were so wonderful, men would still be wearing them. (Sue Grafton)

When women are depressed they either eat or go shopping. Men invade another country. (Elayne Boosler)

In politics, if you want anything said, ask a man. If you want anything done, ask a woman. (Margaret Thatcher)

Nobody can make you feel inferior without your permission. (Eleanor Roosevelt)

## **Bylaws Amendment Committee: Final Status Report**

**William E. Riddle (+1 505.988.1092, Riddle@WmERiddle.com)**

At its meeting on 23 September 2012, the Ewing Family Association's (EFA's) Board of Directors (BoD) reconstituted the Bylaws Amendment Committee (BAC) with me as the committee's Chair and an assignment to update and rewrite the EFA Bylaws. This continues the Bylaws Amendment activity that was initiated in the spring of 2012 – occasioned by moving from Pennsylvania to New Mexico as the state in which the Association is incorporated – and reported on at the General Meeting during the Gallipolis Gathering.<sup>1</sup> The BoD specified that the committee members should be the members of the then-current BoD and the then current EFA Activity Coordinators.

### **Scope and Mandate**

The commissioning document specified:

*The purpose of this activity is to help the BoD and Membership efficiently update the EFA's Bylaws by identifying needed changes and suggesting specific changes to the specifications of the Association's policies expressed in its Bylaws. The general purposes are to correct errors, remove inconsistencies and clarify ambiguities, make the Bylaws reflect the policies and procedures currently used to govern the Association and manage its activities, and make the Bylaws conform to 1) the New Mexico Statutes Amended – the New Mexico statutes governing non-profit organizations – (the 'New Mexico Statutes'), and 2) Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (or similar provision of any future revenue law) (the 'Federal Code').*

*If, in the course of its deliberations the committee encounters issues that concern the EFA's policies, the committee is asked to identify these policy-related issues, develop pro/con arguments and present them to the BoD for resolution. The committee is specifically not empowered to resolve these issues; in fact, according to the current EFA Bylaws, the committee is prohibited from resolving the issues.*

*The committee's mandate is, therefore, to suggest to the BoD and Membership ways to: 1) correct errors and inconsistencies in the current Bylaws; 2) clarify ambiguities in the current Bylaws, 2) make the Bylaws reflect the policies and management procedures that the Association has evolved over the past four-or-so years, 3) make the Bylaws conform to the New Mexico Statutes and the Federal Code, 4) identify issues that need BoD attention, present them (accompanied by pro/con arguments) to the BoD for resolution, and 5) re-write the Bylaws to reflect all the changes resulting from these considerations.*

In addition, the BoD specified that the BAC should obtain a legal review of the proposed rewrite of the Bylaws and appropriately respond to any suggestions stemming from this review.

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<sup>1</sup> The report is included in the minutes of the General Meeting, published on pages 36-37 in the Vol. 18, No. 4 (November 2012) issue of the *Ewing Family Journal*.

## Proposed New Version

A proposed new version of the EFA Bylaws has been created by the BAC and is available at:

[dl.dropboxusercontent.com/u/447781/EFA\\_Bylaws/ProposedNewVersion.doc](https://dl.dropboxusercontent.com/u/447781/EFA_Bylaws/ProposedNewVersion.doc) and  
[dl.dropboxusercontent.com/u/447781/EFA\\_Bylaws/ProposedNewVersion.pdf](https://dl.dropboxusercontent.com/u/447781/EFA_Bylaws/ProposedNewVersion.pdf).

It is marked as *Draft New, Unapproved Version 002 (9 July 2014)* to distinguish it from previous and subsequent versions.

This version was developed by the BAC:

- Starting with a basic, template Bylaws document provided by our consulting lawyer – Margaret Foster – for non-profit 501(c)3 organizations incorporated in New Mexico. This resulted in the proposed new Bylaws incorporating lawyer-suggested boilerplate text regarding the general terms and conditions required by the *Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (or similar provision of any future revenue law)* (the "Code") and the *New Mexico Statutes Amended* – the New Mexico statutes governing non-profit organizations – (the "Statutes")
- Reviewing and confirming the general terms and conditions required by the Code and the Statutes. This resulted in the proposed new Bylaws reflecting some terms and conditions which are different from the analogous terms and conditions in the old Bylaws, for example, the need to have annual, rather than biennial, Member Meetings.
- Incorporating, as allowed by the Code and Statutes, terms and conditions from the old Bylaws into the new version of the Bylaws. This, for example, carried over the old Bylaws' specifications of the Secretary's and Treasurer's duties.
- Incorporating explicit statements of some of the suggestions in *Robert's Rules of Order* to make it crystal clear that they apply. This, for example, resulted in the specification of the terms and conditions governing secret voting.
- Discussing various changes suggested by one or more members of the BAC or by one or more EFA Members and modifying the Bylaws to reflect the Committee's consensus. This, for example, led to the prohibition of Proxies. A detailed record of these discussions is available at [dl.dropboxusercontent.com/u/447781/EFA\\_Bylaws/ProblemsIssuesDiscussion.doc](https://dl.dropboxusercontent.com/u/447781/EFA_Bylaws/ProblemsIssuesDiscussion.doc) and [dl.dropboxusercontent.com/u/447781/EFA\\_Bylaws/ProblemsIssuesDiscussion.pdf](https://dl.dropboxusercontent.com/u/447781/EFA_Bylaws/ProblemsIssuesDiscussion.pdf).
- Having Margaret Foster review the result and incorporating her suggested changes.
- Delivering a *Draft New, Unapproved Version 001 (19 May 2014)* to the BoD for review and, if warranted, approval, as well as to the Membership (via the *Ewing Family Journal* and the EFA Forum) for review and commentary. Feedback was initially requested by June 15<sup>th</sup>. Because of U.S. Postal Service mailing delays, this deadline was subsequently extended by a week to June 22<sup>nd</sup>.
- Receiving back from the BoD a request that Article 16 Amendments be changed to: 1) specify that only the BoD may officially change the Bylaws (with subsequent review by the Membership); and 2) clarify the ways in which one or more Members may request changes to the Association's policies and procedures with resulting changes to the Bylaws and, as necessary, other Association documents. In addition, a couple of minor, typo-level changes were also requested by a couple of Directors.

No comments or suggested changes were received from the Membership.

- Delivering a *Draft New, Unapproved Version 002 (9 July 2014)* to the BoD, incorporating the requested corrections and changes, to the BoD for review and, if warranted, approval.

## **Major Changes**

Several of the changes to the previous Bylaws correct typos and clarify some awkward wording and ambiguities..

Most of the changes serve to make the Bylaws conform to the Statutes (such as the requirement to have annual Member Meetings) or explicitly identify some abilities that the EFA has not previously capitalized upon (such as the ability to have a Vice-Chancellor, a Vice BoD Chair, Vice-Treasurers and Vice-Secretaries).

The major changes to the Bylaws are the following:

- Absentee Voting: Proxies are prohibited. Mail-in Ballots may be used at the discretion of the BoD.
- Non-Director Attendance and Participation in BoD Meetings: As advised by Robert's Rules of Order, non-Directors may attend Regular and Special Board Meetings only upon a BoD-Chair-approved petition by the Non-Director or upon invitation by the BoD Chair.
- Bylaws Amendments: Amendments to the Bylaws may only be made by the BoD. Like all BoD actions, a decision to change the Bylaws is subject to the power of the members to change actions by the BoD. If a Bylaws-changing action by the BoD is not approved by the Members, then the Bylaws are returned to the BoD for reconsideration, hopefully accompanied by advice or directives from the Membership.
- Changes to Policies and Procedures: One or more Members may request that the BoD consider some changes to the Association's policies and procedures. This request can be made at any time by any Member or group of Members and must be acted upon by the BoD, with the BoD's decision reported out to the Members along with the BoD's rationale for its decision, specifically considering a proposed change's legality, desirability, and its implications in terms of the time and effort to effect the change. A Member-group-suggested change may, but does not have to, come from the approval of a motion at a Member Meeting.

The committee's rationale for these major changes (and other changes ) are detailed in:

[dl.dropboxusercontent.com/u/447781/EFA\\_Bylaws/ProblemsIssuesDiscussion.doc](https://dl.dropboxusercontent.com/u/447781/EFA_Bylaws/ProblemsIssuesDiscussion.doc) and  
[dl.dropboxusercontent.com/u/447781/EFA\\_Bylaws/ProblemsIssuesDiscussion.pdf](https://dl.dropboxusercontent.com/u/447781/EFA_Bylaws/ProblemsIssuesDiscussion.pdf).

## **Closure**

With the BoD's approval of the *Draft New, Unapproved Version 002 (9 July 2014)*, the work of the current Bylaws Amendment Committee comes to a close.

The BoD's Bylaws-approval of a new Bylaws will be, following the policy established by the previous Bylaws, presented for confirmation at the upcoming Member meeting during the 2014 Gathering. The discussion of this approval action by the BoD will necessarily concern the organization's terms and

conditions as reflected in the Bylaws. Changes to the Bylaws can, by either the previous or new Bylaws, be suggested by the Members attending the Member Meeting. Alternatively, the Members attending the Member Meeting may reject the BoD's approval of the new Bylaws.

Should the BoD's Bylaws-approval action be rejected by the Membership at the upcoming September 20<sup>th</sup> Member Meeting, the Bylaws will be returned to the BoD for reconsideration, hopefully accompanied by concrete, succinct suggestions of the ways in which the Membership feels that flaws in the Association's policies and procedures should be corrected. In reconsidering the Bylaws, the new BoD – the one elected at the September 20<sup>th</sup> Member Meeting – may establish a new Bylaws Amendment Committee with the requirement that it seek legal counsel as warranted.

William Ewing Riddle is a great-great-great-grandson of Squire James Ewing (a son of Alexander who was a son of James Ewing of Inch). Bill is Editor of the Ewing Family Association's *Ewing Family Journal*. Outside his genealogical work, Bill helps organizations certify that their software development procedures satisfy regulatory constraints/requirements and lead to high-quality products. He holds advanced degrees from Cornell and Stanford and has worked in academia, industry and government.



### **How to Stay Young? George Carlin's Views on Aging**

Do you realize that the only time in our lives when we like to get old is when we're kids? If you're less than ten years old, you're so excited about aging that you think in fractions.

"How old are you?" ... "I'm four and a half!" ... You're never thirty-six and a half. You're four and a half, going on five!

That's the key.

You get into your teens, now they can't hold you back. You jump to the next number, or even a few ahead.

"How old are you?" ... "I'm gonna be sixteen!" ... You could be thirteen, but hey, you're gonna be sixteen!

And then the greatest day of your life ... you become twenty-one. Even the words sound like a ceremony . . . You **become** twenty-one. Yesssss!!!

But then you **turn** thirty. Oooohh, what happened there? Makes you sound like bad milk!. He **turned**; we had to throw him out. There's no fun now, you're just a sour-dumpling. What's wrong? What's changed?

You **become** twenty-one, you **turn** thirty, then you're **pushing** forty.

Whoa! Put on the brakes, it's all slipping away. Before you know it, you **reach** fifty and your dreams are gone.

But wait!!! You **make it** to sixty. You didn't think you would!

So you **become** twenty-one, **turn** thirty, **push** forty, **reach** fifty and **make it** to sixty.

You've built up so much speed that you **hit** seventy! After that it's a day-by-day thing; you **hit** Wednesday!

You **get into** your eighties and every day is a complete cycle; you **hit** lunch; you **turn** 4:30; you **reach** bedtime.

And it doesn't end there. Into the nineties, you start going backwards; "I was **just** ninety-two."

Then a strange thing happens. If you make it over a hundred, you become a little kid again. "I'm a hundred and a half!"

May you all make it to a healthy hundred and a half!!

# ***EFA Bylaws as Amended 20<sup>th</sup> July 2014***

**BYLAWS  
OF  
EWING FAMILY ASSOCIATION  
A Non-Profit Corporation**

Amended:

September 24, 2000  
September 24, 2006  
September 20, 2008  
January 12, 2010  
July 20, 2014

**ARTICLE I  
Name, Offices and Subordinate Units**

- 1.1 Name. The name of this corporation is Ewing Family Association (the "Corporation").
- 1.2 Principal Office. The principal office of the Corporation in the State of New Mexico shall be located at 1621 Roma NE, Albuquerque, New Mexico 87106.
- 1.3 Other Offices. The Corporation may have such other offices, either within or without the State of New Mexico, as the business of the Corporation may require from time to time.
- 1.4 Subordinate Units. The Corporation may establish and terminate local branches, chapters, or other subordinate units.

**ARTICLE II  
Objectives and Dedication**

- 2.1 The Corporation is organized and incorporated under the laws of the State of New Mexico to operate, according to the *New Mexico Statutes Amended* – the New Mexico statutes governing non-profit organizations – (the "Statutes") as an exempt organization within the meaning of *Section 501(c)(3) of the Internal Revenue Code of 1986*, as amended (or similar provision of any future revenue law) (the "Code") without profit to any officer or director.
- 2.2 The objective of the Corporation shall be educational and the Corporation shall conduct such activities as are appropriate to this objective including but not limited to:
  - i. Fostering interest in the Ewing Family and a spirit of fellowship among the members of the Corporation;
  - ii. Promoting periodic gatherings of the Corporation's Members;
  - iii. Encouraging genealogical research and sharing the results with others;

- iv. Collecting and preserving historical and genealogical records of Ewing-related families around the world; and
- v. Publishing a family newsletter or journal periodically with information that is of a biographical, genealogical and historical nature.

Subject to the foregoing, the Corporation may also engage in all other activities which are permissible by law.

### **ARTICLE III Membership**

3.1 Membership. Membership in the Corporation shall be open to all persons with the surname of Ewing or other surnames derived from the Celtic name usually transcribed in English as Eoghain; to anyone who is descended from anyone with these surnames; to anyone who is, or has been, the spouse of such a person; and to anyone who otherwise supports the Corporation's objectives.

3.2 Dues Payment. Payment of dues is a requirement for membership

3.3 Membership Categories. The membership categories shall be as follows:

3.3.1 Individual. A person meeting the membership criteria.

3.3.2 Institutional. A library, genealogical organization or society, or a similar organization, that provides data, information or services to genealogy researchers.

3.3.3 Honorary. A person provided a lifetime membership in recognition of his/her contributions to the Corporation.

3.4 Application and Renewal. Application for or renewal of membership in the Corporation shall be made in manners prescribed by the Board. The Board, or any committee appointed thereby, shall review all such applications and shall decide whether each applicant shall be admitted to or have his or her membership accepted by or renewed in the Corporation.

3.5 Voting. One vote shall be accorded each individual and honorary member of the Corporation. Institutional members shall carry no voting rights. A membership vote may be taken at any annual, regular, or special meeting, provided a quorum is present.

3.6 Dues. The Board of Directors may by resolution from time to time set or amend a schedule of dues applicable to members; may impose dues upon all members either alike or in different amounts or proportions; and may prescribe the times and methods of collecting such dues.

Memberships dues shall be payable on or before January 1<sup>st</sup> of each calendar year and shall not be refundable. Dues shall not be assessed honorary members.

The Treasurer shall have the right to extend a membership for three (3) months in anticipation of the member paying their dues.

The Board shall have the discretion to adopt a reduced dues rate in hardship cases for members in any category.

## **ARTICLE IV Prohibitions**

4.1 No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to, the corporation's directors, members, officers or other private personas, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions necessary to carry out the purposes set forth in Article II. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation. The corporation shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these Articles of Incorporation, the corporation shall not carry on any activities not permitted to be carried on (a) by a corporation exempt from Federal taxation under the Code; or (b) by a corporation to which contributions are deductible under *Section 170(c)(2) of the Internal Revenue Code of 1986*, as amended.

## **ARTICLE V Notices and Meeting Conduct**

5.1. Notices. Whenever notice is (by law, the Articles of Incorporation or these Bylaws) required to be given to any Member, Director or Member of a Committee, such notice may be given by any of the following means:

5.1.1 Personally. Via verbal or physical delivery.

5.1.2 Regular Mail. Via USPS Mail or Express Mail (UPS, FedEx, etc.) to the latest known physical address of the intended recipient.

5.1.3 Electronic. Via Telegram, Fax, or EMail to the latest known pertinent contact information of the intended recipient.

5.1.4 Publication. Via publication in one or more of the Organization's publications.

The date of delivery shall be the date of the personal interaction, the postmark for the USPS or Express Mail item, the date/time stamp for the electronic message or the date of the publication's mailing by the Corporation's mailing service.

Whenever any notice is required by law, the Articles of Incorporation or these Bylaws, to be given to any Member, Director or Member of a Committee, a waiver thereof in writing, signed by the person or persons entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

5.2 Meeting Conduct. Directors, Corporation Members and Committee Members may participate in meetings by any of the following means:

5.2.1 Physical Presence. Attendance at the meeting.

5.2.2 Electronic Presence. Any means that allows all of meeting participants to hear or read all contributions to the discussion from each of the other participants. Electronic means include, but are not limited to: EMail, telegram, fax, Instant Messaging, conference calls, voice connectivity, and electronic collaboration. Meetings supported by electronic means shall be equivalent to face-to-face meetings in every respect.

**ARTICLE VI  
Board of Directors**

6.1. General Powers. The affairs of the Corporation shall be managed by its Board of Directors. Directors need not be residents of the State of New Mexico. In the management and control of the property, business, and affairs of the Corporation, the Board of Directors is hereby vested with all the powers possessed by the Corporation itself, so far as this delegation of authority is not inconsistent with the Code, the Statutes, the Corporation's Articles of Incorporation, or with these Bylaws. All actions by the Board are subject to the power of the members to change actions by the Board. If an action by the Board is not approved by the Members, then it is returned to the Board for reconsideration, perhaps accompanied by advice or directives from the Membership.

6.2. Number, Tenure and Qualification. The number of Directors of the Corporation shall be determined from time to time by the Board of Directors (provided that no decrease in the number of Directors which would have the effect of shortening the term of an incumbent Director may be made by the Board of Directors), provided that the number of Directors shall not be less than three (3) nor more than ten (10).

6.3. Election and Term of Office. The Chancellor and the immediate past-Chancellor shall be Directors ex-officio with the right to vote in meetings of the Directors. The remaining Directors of the Corporation shall be elected by a simple majority vote of the members at the regular annual meeting of the members. If this election of the remaining Directors is not held at such meeting, such election shall be held as soon thereafter as conveniently may be scheduled. Newly-elected Directors shall assume their duties at the end of the annual meeting of the members at which they are elected. Each Director shall hold office for a two-year term or until such Director's successor shall have been duly elected and shall have qualified or until death, resignation or removal.

6.4. Resignations and Vacancies. Any Director may resign by giving written notice to the Secretary of the Corporation. Such resignation shall be effective in accordance with its terms or upon receipt by the Secretary of the Corporation if no date of resignation is specified.

Any vacancy occurring in the Board of Directors or in a directorship to be filled by reason of any increase in the number of directors, may be filled by an affirmative vote of a majority of the remaining Directors, though less than a quorum of the Board of Directors. A Director elected to fill a vacancy shall be elected for the unexpired term of the Director's predecessor in office. All filling of vacated or new Director positions is subject to the subsequent review, discussion and ratification by the Members at a Member Meeting.

6.5. Compensation. Directors shall not receive any stated salaries for their services as Directors, but by resolution the Board of Directors may authorize (1) reimbursement for expenses incurred by Directors in connection with the performance of their duties as Directors on behalf of the Corporation; and (2) allow a fixed sum and expenses of attendance, if any, for attendance at each regular or special meeting of the Board. Nothing herein contained shall be construed to preclude any Director from serving the Corporation in any other capacity and receiving compensation therefore.

6.6. Removal of Directors. A Director of the Corporation may be removed by a vote of two-thirds ( $\frac{2}{3}$ <sup>rds</sup>) vote of all of the Directors at any regular or special meeting of the Directors called for the specific purpose of removing such Director.

**ARTICLE VII**  
**Meetings of the Board of Directors**

7.1. Regular Meetings. A regular annual meeting of the Board of Directors shall be held on the first Wednesday of September or at some other time in September or October as may be decided by the Board of Directors. Notice of the annual meeting shall be provided at least ten (10) days prior to such meeting by any of the means specified in Article 5.1. The Board of Directors may provide, by resolution, the time and place, either within or without the State of New Mexico, for the holding of regular meetings without other notice than such resolution.

Regular meetings of the Board of Directors may be held electronically as specified in Article 5.1.2.

7.2 First Meeting. The first meeting of each newly elected Board of Directors shall be held immediately following the meeting of the members at which such Directors are elected and no notice of such meeting other than this shall be necessary.

Alternatively, this first meeting may be held at such time and place as shall be specified in a notice given as previously provided for special meetings of the Board of Directors, or as shall be specified in a written waiver signed by all of the Directors.

At its first meeting, the newly-elected Board of Directors shall organize itself and elect a Board Chair as well as a Corporation Secretary and Corporation Treasurer.

7.3 Board Chair. The Chair of the Board of Directors shall preside at all meetings of the Board of Directors and shall take the place of the Chancellor when the Chancellor is unable to fulfill the duties of that office.

The Chancellor shall take the place of the Chair when the Chair is unable to fulfill the duties of that office.

7.4. Special Meetings. Special meetings of the Board of Directors may be called by or at the request of the Chancellor, the Board Chair or any two Directors. The person or persons authorized to call special meetings of the Board may fix any place, either within or without the State of New Mexico, as the place for holding any special meeting of the Board called by them.

Special meetings of the Board of Directors may be held electronically as specified in Article 5.1.2.

7.5. Notice. Notice of any special meeting of the Directors shall be given at least ten (10) days previously thereto by any of the means specified in Article 5.1.

Any Director may waive notice of any meeting.

The attendance of a Director at any meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

Except as otherwise provided by these Bylaws, neither the business to be transacted at, nor the purpose of, any regular or special meeting of the Board of Directors need be specified in the notice or waiver of notice of such meeting.

7.6. Attendance by Non-Directors. Attendance at meetings, regular and special are normally restricted to the membership-elected Directors. There are the following exceptions:

7.6.1. Secretary and Treasurer. The Corporation's Secretary and Treasurer are required, as part of their duties, to attend all regular and special meetings of the Board of Directors regardless of whether or not they are a Director. The Board Chair may, however, upon receiving a request with an acceptable reason, permit them to miss a specific meeting. The Secretary and Treasurer will be included in all meetings and discussions of the Board regardless of whether they are also Directors, but will vote only if they have been elected as Directors.

7.6.2. Invitation. The Board Chair may extend an attendance invitation to a non-Director should the Chair feel the person has an important or pertinent perspective pertaining to an issue being brought before the Directors.

7.6.3. Application. Members may petition the Board Chair for permission to attend a Board Meeting. Their petition must specify a concrete, specific reason for their attendance. The Board Chair has complete and sole discretion for deciding whether or not the applicant's cited reason is sufficient to allow attendance.

7.6.4. Limitations. Non-Director attendees may not participate in any Executive Sessions. They may contribute to a discussion only when requested to do so by a Director. They may not interject, ask questions, etc. They may not make motions. They may not vote on any motion.

7.6. Quorum. At any meeting of the Board of Directors of the Corporation, the presence of a majority of the Directors in person or electronically shall constitute a quorum for the transaction of business; but if less than a majority of the Directors are present at said meeting, a majority of the Directors present may adjourn the meeting from time to time without further notice.

7.7. Manner of Acting. Each Director shall be entitled to one vote. Absentee voting (i.e., voting by proxies or mail-in ballots) shall not be allowed for Annual or Special Board of Director Meetings. Secret Ballots shall not be allowed for Annual or Special Board of Director Meetings.

The act of the majority of the Directors present at a meeting at which a quorum is present shall be the act of the full Board of Directors, except as provided by law or by these Bylaws.

7.8. Informal Action. Any action required to be taken at a meeting of the Board of Directors, or any other action which may be taken at a meeting of Directors, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the Directors entitled to vote with respect to the subject matter thereof. Such consent shall have the effect of a unanimous vote and shall be equally valid as if said action were approved at a meeting.

7.9. Conflicts of Interest. No contract or transaction between the Corporation and one or more of its directors or officers, or between the Corporation and any other corporation, partnership, association, or other organization in which one or more of the Corporation's directors or officers are directors or officers, or have a financial interest, shall be void or voidable solely for the reason, or solely because the director or officer is present at or participates in the meeting of the Board or committee thereof which authorizes the contract or transaction, or solely because his or their votes are counted for such purpose if the material facts as to the Director's or Directors' relationship or interest as to the contract or transaction are disclosed or are known to the Board or the committee, and the Board or committee in good faith authorizes the contract or transaction by the affirmative votes of all of the disinterested directors, even though the disinterested directors be less than a quorum.

**ARTICLE VIII  
Committees**

8.1. **Establishment.** Committees having some of the powers of the Board of Directors (as limited by the constraints specified in Article 8.8), may be appointed by a majority of the Board of Directors as may be deemed necessary or desirable for the proper administration and operation of the Corporation.

Each such committee shall serve at the pleasure of the Board and shall be subject to the control and direction of the Board. All actions by any such committee shall be subject to revision or alteration by the Board provided that no rights of third persons shall be adversely affected by such revision or alteration. Any action or authorization of an act by any such committee within the authority delegated to it by the resolution establishing it shall be effective for all purposes as the act or authorization of the Board. Any such committee may act by a majority of its members present at a meeting or by writing or writings signed by all of its members.

8.2. **Other Committees.** Other committees not having and exercising the authority of the Board of Directors in the management of the Corporation may be appointed in such manner as may be designated by a resolution adopted by a majority of the Directors present at a meeting at which a quorum is present. Except as otherwise provided in such resolution, members of each such committee shall be members of the Corporation, and the Chancellor of the Corporation shall appoint the members thereof. Any member thereof may be removed by the person or persons authorized to appoint such member whenever in their judgment the best interests of the Corporation shall be served by such removal.

8.3. **Chair.** One member of each committee shall be appointed Committee Chair by the person or persons authorized to appoint the members thereof.

8.4. **Membership.** Members of committees shall serve at the discretion of the person or persons authorized to appoint the members thereof or for such terms as are set forth in the resolution establishing the committee.

The Board Chair and Chancellor shall be an ex-officio member of all committees but shall not be entitled to a vote unless he or she is also appointed to said committee as a Committee Member.

8.5. **Vacancies.** Vacancies in the membership of any committee may be filled by appointments made in the same manner as provided in the case of the original appointments.

8.6. **Quorum.** Unless otherwise provided in the resolution of the Board of Directors designating a committee, a majority of the whole committee shall constitute a quorum and the act of a majority of the members present, physically or electronically at a meeting at which a quorum is present shall be the act of the committee.

8.7. **Rules.** Each committee may adopt rules for its own government not inconsistent with these by-laws or with rules adopted by the Board of Directors.

8.8. **Powers.** No committee shall have any power or authority as to the following:

- i. The submission to members of any action requiring approval under the Statutes or the Code;
- ii. The filling of vacancies in the Board of Directors;

- iii. The adoption, amendment or repeal of the Bylaws;
- iv. The amendment or repeal of any resolution of the Board;
- v. Action on matters committed by the Bylaws or resolution of the Board of Directors to another committee of the Board; and
- vi. The purchase, mortgage, leasing or disposal of real estate.

## **ARTICLE IX Officers**

9.1. Number. The officers of the Corporation shall consist of a Chancellor, a Secretary, a Treasurer and such other officers as may be elected in accordance with the provisions of this Article.

The Board of Directors, by resolution, may create the offices of one or more Vice Chancellors, Assistant Treasurers and Assistant Secretaries, all of whom shall be elected by the Board.

Any two (2) or more offices may be held by the same person.

9.2. Election and Term of Office. The officers of the Corporation shall be elected annually by the Board of Directors at the regular annual meeting of the Board of Directors. If the election of officers is not held at such a meeting, such election shall be held as soon thereafter as conveniently may be. New offices may be created and filled at any meeting of the Board of Directors.

The officers of the EFA shall hold office until his or her death, resignation or removal or until his or her successors are chosen and qualify. Any officer elected or appointed by the Board of Directors may be removed at any time by the affirmative vote of a majority of the members of the Board of Directors. Any vacancy occurring in the office of Chancellor may be filled by the Board of Directors until the next regular or special Member Meeting.

9.3. Removal. Any officer elected or appointed by the Board of Directors may be removed by the Board of Directors whenever in its judgment the best interests of the Corporation would be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the officer so removed.

9.4. Vacancies. A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by the Board of Directors for the unexpired portion of the term.

9.5. Chancellor. The Chancellor shall be the principal executive officer of the Corporation and shall in general supervise and control all of the business and affairs of the Corporation. He or she shall preside at all meetings of the members. He or she may sign, with the Secretary or any other proper officer of the Corporation authorized by the Board of Directors, any deeds, mortgages, bonds, contracts, or other instruments which the Board of Directors has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Directors or by these Bylaws or by statute to some other officer or agent of the Corporation; and in general he or she xxx shall perform all duties incident to the office of Chancellor and such other duties as may be prescribed by the Board of Directors from time to time.

The Chancellor shall be elected by the Members at the annual Member Meeting.

With respect to responsibilities and authorities, in particular, but not exclusively, the Chancellor shall:

- i. preside at all Member Meetings;

- ii. provide general and active management of the business of the Corporation; and
- iii. assure that all orders and resolutions of the Board of Directors are carried into effect.

Should the Chancellor be unable to perform the duties of this office, he or she shall be replaced first by a Vice Chancellor (chosen by the Board of Directors) or, second, by someone chosen by the Board Chair, in either case to temporarily be the Corporation's Chancellor until the duly-elected Chancellor is able to return or a new Chancellor is elected by the Membership.

9.6. Vice Chancellor(s). The Vice Chancellor(s), if any, shall perform such duties as from time to time may be assigned to him, her or them by the Chancellor or by the Board of Directors.

9.7. Treasurer. If required by the Board of Directors, the Treasurer shall give a bond for the faithful discharge of his duties in such sum and with such surety or sureties as the Board of Directors shall determine.

The Treasurer shall have charge and custody of and be responsible for all funds and securities of the Corporation; receive and give receipts for moneys due and payable to the Corporation from any source whatsoever, and deposit all such moneys in the name of the Corporation in such banks, trust companies or other depositories as shall be selected in accordance with the provisions of Article XII of these Bylaws; and in general perform all the duties incident to the office of Treasurer and such other duties as from time to time may be assigned to him or her by the Chancellor or by the Board of Directors.

In particular, the Treasurer shall:

- i. attend all meetings of the Board of Directors and all Member Meetings except when non-attendance is permitted by petition to the Board Chair;
- ii. provide the Chancellor and the Board of Directors, at its regular meetings, or when the Board of Directors so requests, a detailed or synoptic accounting of all the transactions as Treasurer and of the financial condition of the Corporation; and
- iii. provide the Membership in February of every calendar year, with a synoptic report regarding the financial condition of the Corporation.

The Treasurer's reports provided to the Chancellor, the Board of Directors and the Membership shall, as appropriate and necessary, include the following:

- i. The assets and liabilities, including the trust funds, of the Corporation as of the end of the fiscal year immediately preceding the date of the report.
- ii. The principal changes in assets and liabilities including trust funds, during the year immediately preceding the date of the report.
- iii. The revenue or receipts of the Corporation, both unrestricted and restricted to particular purposes, for the year immediately preceding the date of the report, including separate data with respect to each trust fund held by or for the Corporation.
- iv. The expenses or disbursements of the Corporation, for both general and restricted purposes, during the year immediately preceding the date of the report, including separate data with respect to each trust fund held by or for the Corporation.
- v. The number of members of the Corporation as of the date of the report, together with a statement of increase or decrease in such number during the year immediately preceding

the date of the report, and a statement of the place where the names and addresses of the current members may be found.

9.9 Secretary. The Secretary shall keep the minutes of Member Meetings, meetings of the Board of Directors and meetings of Committees in one or more books provided for that purpose; see that all notices are duly given in accordance with the provisions of these Bylaws or as required by law; be custodian of the corporate records and of the seal of the Corporation and see that the seal of the Corporation is affixed to all documents, the execution of which on behalf of the Corporation under its seal is duly authorized in accordance with the provisions of these Bylaws; keep a register of the post office address of each member which shall be furnished to the Secretary by such member; and in general perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned to him or her by the Chancellor or by the Board of Directors.

In particular: the Secretary shall:

- i. attend all meetings of the Board of Directors and Member Meetings (except when non-attendance is permitted by petition to the Board Chair) and record all the proceedings of these meetings in a book to be kept for that purpose;
- ii. perform like duties for any duly authorized committee when required;
- iii. give, or cause to be given, all required notices of Member Meetings or meetings of the Board of Directors; and
- iv. perform such other duties as may be prescribed by the Board of Directors or the Chancellor, under whose supervision he or she shall serve

9.10. Assistant Treasurer and Assistant Secretaries. If required by the Board of Directors, the Assistant Treasurers shall give bonds for the faithful discharge of their duties in such sums and with such sureties as the Board of Directors shall determine. The Assistant Treasurers and Assistant Secretaries, in general, shall perform such duties as shall be assigned to them by the Treasurer or the Secretary or by the Chancellor or the Board Chair.

## **ARTICLE X Member Meetings**

10.1. Annual Meeting. The annual meeting of the Corporation's Membership shall be held on a date to be determined by the Board of Directors and shall be for the purpose of the Chancellor and Board of Directors transacting any and all business that may be brought before the meeting. Any business may be transacted at the meeting, irrespective of whether the notice of such meeting contains a reference thereto, except as otherwise required by these Bylaws, by pertinent State and Federal Statutes, or by the Code.

10.2. Special Meetings. Special meetings of the members, for any purpose or purposes, may be called at any time by the Board of Directors, or by ten percent (10%) of the Members entitled to cast votes at Member Meetings.

Upon receipt of any written request from a source authorized to call such meeting it shall be the duty of the Secretary to call a special meeting of the Members to be held at such time, not more than forty-five (45) days after the receipt of the request, as the Secretary may fix. If the Secretary shall neglect or refuse to issue such call, the person or persons making the request may issue the call. Business transacted at all special meetings of members shall be limited to the purposes stated in the notice.

10.3. Notice of Member Meetings. Notice of annual and special Member Meetings, stating the time, day, and place of the meeting, shall be provided by any of the means identified in Article 5.1 at least forty-five (45) days prior to the date of the meeting.

10.4. Quorum. Twenty (20) members in good standing – participating by any of the means specified in Article 5.2. – shall constitute a quorum for Annual and Special Member Meetings. Members submitting Mail-in Ballots shall be counted in determining a quorum.

The members participating in a duly-organized annual or special meeting may continue to do business until adjournment, notwithstanding the withdrawal of enough members to leave less than a quorum.

If a meeting of the members cannot be organized because a quorum has not participated, the participating Members shall have the power, except as otherwise provided by statute, to adjourn the meeting to such time and place as they may determine.

10.5 Majority Approval. The acts at a duly organized meeting of participating Members approved by at least a majority of the participating Members shall be the acts of the Corporation's Membership.

10.6 Absentee Voting:

10.6.1 Mail-in Ballots. At the discretion of the Board, Members unable to physically attend for Member Meetings may vote on motions which have been specified in the meeting's announcement by using a Mail-in Ballot. Mail-in Ballots may be obtained by written request sent to the Secretary by postal mail. Completed Mail-in Ballots must be returned to the Secretary by postal mail and received by the Secretary no later than seven (7) days before the meeting. Which motions are subject to mail-in balloting is at the sole discretion of the Board of Directors. The Board of Directors may establish notification and response conditions in addition to those specified above. For mail ballots to be valid, ten percent (10%) of the total rather than merely present-at-the-meeting voting members of the Corporation then in good standing must return ballots.

10.6.2 Proxy Voting. Proxy voting shall not be allowed for Member Meetings.

10.7. Secret Balloting. Balloting by the use of strips of paper upon which are printed, or written, yes or no, or the names of the candidates, as the case may be, shall be allowed with special care to make this approach to balloting adequately accommodates Members participating electronically. The use of secret balloting for a specific motion may be proposed by any meeting participant with the Chair of the meeting deciding on the use of secret balloting for the motion, perhaps after a discussion by the participants.

## **ARTICLE XI**

### **Finance**

11.1 Fees and Profits. The Corporation may charge fees or prices for services or products it renders within its lawful authority, and may receive such income and make an incidental profit thereon. All such incidental profits shall be applied to the maintenance and operation of the lawful activities of the Corporation, and in no case shall be divided or distributed in any manner whatsoever among the members, Directors, or officers of the Corporation.

11.2 Investment of Trust Funds. Unless otherwise provided in the trust instrument, the Board of Directors shall have the power to invest any assets vested in the Corporation by such instrument, or the

proceeds thereof, separately or together with other assets of the Corporation, in the manner authorized for fiduciaries by the applicable code for Probate, Estates and Fiduciaries, and to retain any investments heretofore so made. Any investments may be held in the name of the Corporation or in the name of a nominee of the Corporation. The Directors shall keep accurate accounts of all trust funds, separate and apart from the accounts of other assets of the Corporation.

11.3 Payments Permitted. Except when the Corporation is insolvent, or when such act would leave insufficient assets to meet its liabilities, the Corporation may:

- i. pay compensation in a reasonable amount to Members, Directors, or Officers for services rendered; or
- ii. confer benefits upon Members or non-Members in conformity with its purposes.

## **ARTICLE XII**

### **Contracts, Loans, Checks and Deposits**

12.1. Contracts. The Board of Directors may authorize any officer or officers, agent or agents, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Corporation, and such authority may be general or confined to specific instances.

12.2. Loans. No loans shall be contracted on behalf of the Corporation and no evidences of indebtedness shall be issued in its name unless authorized by a resolution of the Board of Directors. Such authority may be general or confined to specific instances.

12.3. Checks, Drafts and Other Financial Instruments. All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Corporation, shall be signed by such officer or officers, agent or agents of the Corporation and in such manner as shall from time to time be determined by resolution of the Board of Directors.

12.4. Deposits. All funds of the Corporation not otherwise employed shall be deposited from time to time to the credit of the Corporation in such banks, trust companies or other depositories as the Board of Directors may select.

## **ARTICLE XIII**

### **Indemnification of Officers and Directors**

13.1. Power to Indemnify in Actions, Suits or Proceedings. Subject to Article 13.2, the Corporation shall indemnify any person who was or is a party or is threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by or in the right of the Corporation) by reason of the fact that such person is or was a director or officer of the Corporation, against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by such person in connection with such action, suit or proceeding if such person acted in good faith and in a manner such person reasonably believed to be in or not opposed to the best interests of the Corporation, and, with respect to any criminal action or proceeding, had no reasonable cause to believe such conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of *nolo contendere* or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which such person reasonably believed to be in or not opposed to the best interests of the

Corporation, and, with respect to any criminal action or proceeding, had reasonable cause to believe that such conduct was unlawful.

13.2. Authorization of Indemnification. Any indemnification under this Article XIII (unless ordered by a court) shall be made by the Corporation only as authorized in the specific case upon a determination that indemnification of the director or officer is proper in the circumstances because such person has met the applicable standard of conduct set forth in Article 13.1. Such determination shall be made (a) by the Board of Directors by a unanimous vote of a quorum consisting of all directors who were not parties to such action, suit or proceeding in which designation directors who are parties may participate, and consisting solely of two (2) or more directors not at the time parties to the proceeding or (b) by special legal counsel in a written opinion. To the extent, however, that a director or officer of the Corporation has been successful on the merits or otherwise in defense of any action, suit or proceeding described above, or in defense of any claim, issue or matter therein, such officer or director shall be indemnified against expenses (including attorneys' fees) actually and reasonably incurred by such person in connection therewith, without the necessity of authorization in the specific case.

13.3. Good Faith Defined. For purposes of any determination under Article 13.2, a person shall be deemed to have acted in good faith and in a manner such person reasonably believed to be in or not opposed to the best interests of the Corporation, or, with respect to any criminal action or proceeding, to have had no reasonable cause to believe such conduct was unlawful, if his action is based on the records or books of account of the Corporation or another enterprise, or on information supplied to such person by the authorized agents of the Corporation or another enterprise in the course of their duties, or on the advice of legal counsel for the Corporation or another enterprise or on information or records given or reports made to the Corporation or another enterprise by an independent certified public accountant or by an appraiser or other expert selected with reasonable care by the Corporation or another enterprise. The term 'another enterprise' as used in this Article 13.3 shall mean any other corporation or any partnership, joint venture, trust, employee benefit plan or other enterprise of which such person is or was serving at the request of the Corporation as a director, officer, employee or agent. The provisions of this Article 13.3 shall not be deemed to be exclusive or to limit in any way the circumstances in which a person may be deemed to have met the applicable standard of conduct set forth in Article 13.1.

13.4. Indemnification by a Court. Notwithstanding any contrary determination in the specific case under Article 13.2, and notwithstanding the absence of any determination thereunder, any director or officer may apply to any court of competent jurisdiction in the State of New Mexico for indemnification to the extent otherwise permissible under Article 13.1. The basis of such indemnification by a court shall be a determination by such court that indemnification of the director or officer is proper in the circumstances because such officer or director has met the applicable standards of conduct set forth in Article 13.1. Neither a contrary determination in the specific case under Article 13.2 nor the absence of any determination thereunder shall be a defense to such application or create a presumption that the director or officer seeking indemnification has not met any applicable standard of conduct. Notice of any application for indemnification pursuant to this Article 13.4 shall be given to the Corporation promptly upon the filing of such application. If successful, in whole or in part, the director or officer seeking indemnification shall also be entitled to be paid the expense of prosecuting such application.

13.5. Nonexclusivity of Indemnification. The indemnification provided by or granted pursuant to this Article XIII shall not be deemed exclusive of any other rights to which those seeking indemnification or

advancement of expenses may be entitled under any Bylaw, agreement, contract, vote of disinterested directors or pursuant to the direction (howsoever embodied) of any court of competent jurisdiction or otherwise, both as to action in such person's official capacity and as to action in another capacity while holding such office, it being the policy of the Corporation that indemnification of the persons specified in Article 13.1 shall be made to the fullest extent permitted by law. The provisions of this Article XIII shall not be deemed to preclude the indemnification of any person who is not specified in Article 13.1 but whom the Corporation has the power or obligation to indemnify under the provisions of the Statutes, or otherwise.

13.6. Insurance. The Corporation may purchase and maintain insurance on behalf of any person who is or was a director or officer of the Corporation against any liability asserted against such person and incurred by such person in any such capacity, or arising out of such person's status as such, whether or not the Corporation would have the power or the obligation to indemnify him or her against such liability under the provisions of this Article XIII.

13.7. Certain Definitions. For purposes of this Article XIII, references to "the Corporation" shall include, in addition to the resulting corporation, any constituent corporation (including any constituent of a constituent) absorbed in a consolidation or merger which, if its separate existence had continued, would have had power and authority to indemnify its directors so that any person who is or was a director of such constituent corporation, shall stand in the same position under the provisions of this Article XIII with respect to the resulting or surviving corporation as he or she would have with respect to such constituent corporation if its separate existence had continued. For purposes of this Article XIII, references to "fines" shall include any excise taxes assessed on a person with respect to an employee benefit plan; and a person who acted in good faith and in a manner he or she reasonably believed to be in the interest of the participants and beneficiaries of an employee benefit plan shall be deemed to have acted in a manner "not opposed to the best interests of the Corporation" as referred to in this Article XIII.

13.8. Survival of Indemnification and Advancement of Expenses. The indemnification and advancement of expenses provided by, or granted pursuant to, this Article XII shall, unless otherwise provided when authorized or ratified, continue as to a person who has ceased to be a director or officer and shall inure to the benefit of the heirs, executors and administrators of such person.

13.9. Limitation on Indemnification. Notwithstanding anything contained in this Article XIII to the contrary, except for proceedings to enforce rights to indemnification (which shall be governed by Article 13.4 hereof), the Corporation shall not be obligated to indemnify any director or officer in connection with a proceeding (or part thereof) initiated by such person unless such proceeding (or part thereof) was authorized or consented to by the Board of Directors of the Corporation.

## **ARTICLE XIV General Provisions**

14.1 Insurance. The Corporation may maintain insurance, at its expense, to protect itself and any director, officer, partner, trustee, employee or agent of the Corporation or another corporation, partnership, joint venture, trust or other incorporated or unincorporated enterprise against any such expense, liability or loss, whether or not the Corporation would have the power to indemnify such person against such expense, liability or loss under the Statutes.

14.2 Choice of Law. These Bylaws shall be interpreted under the Statutes, and any action brought to enforce its provisions shall be brought in a court in New Mexico.

14.3 Fiscal Year. The fiscal year of the Corporation shall be the calendar year.

14.4 Corporate Seal. The Board of Directors shall prescribe the form of a suitable corporate seal, which shall contain the full name of the Corporation and the year and state of incorporation. The lack of a seal on corporate documents shall not affect the validity of any document properly executed on behalf of the Corporation.

14.5 Severability. If any provision of these Bylaws is determined to be invalid, the remainder of the terms and condition of these Bylaws shall be and remain in full force and effect.

14.6 Records. An original or duplicate record of the proceedings of the members and the Directors and other bodies, the books or records of account, the Bylaws, and the membership register shall be kept at the Corporation's registered office or its principal place of business.

14.7 Access to Records. Except as otherwise specified by the Code, the Statutes or elsewhere in these Bylaws, access to the Corporation's records requires a petition in writing delivered to the Board Chair specifying specific, concrete reasons for requesting the access. The Board Chair has the sole responsibility and authority to grant or deny access. Should the petitioner disagree with the Board Chair's decision, he or she may resort to legal proceedings to gain access.

14.8 Construction of Powers. Unless these Bylaws expressly or by clear construction or implication so provide, nothing contained in these Bylaws is intended to or shall limit, qualify, or restrict any powers or authority granted or permitted to nonprofit corporations by the Code.

14.9 Precedence of Authorities. The authorities governing the legality and propriety of the Corporation's management and conduct of its activities shall have the following precedence:

highest precedence :	Code
	: Statutes
	: Bylaws
lowest precedence :	<i>Roberts Rules of Order</i>

## **ARTICLE XV Dissolution**

15.1 Upon the dissolution of the Corporation, the Board of Directors shall, after paying or making provision for the payment of all the liabilities of the Corporation, dispose of all of the assets of the Corporation to:

- i. an organization or organizations organized and operated exclusively for charitable, education, religious, or scientific purposes as shall at the time qualify as an exempt organization or organizations under the Code; or
- ii. the Federal government or to a State or local government, for a public purpose, as the Board of Directors shall determine.

Any of such assets not so disposed of shall be disposed of by the District Court of the county in which the principal office of the Corporation is then located, exclusively for such purposes or to such

organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

## **ARTICLE XVI Amendments**

16.1 Amendment Powers. These Bylaws may be changed – altered, amended or repealed in whole or in part – solely by a majority vote of the Board of Directors participating in any duly convened Board of Directors Meeting.

16.2 Direct Membership Amendment Proposals. Individual Members or groups of Members may propose changes to the Bylaws to the Board of Directors. Such proposals shall clearly indicate the proposed changes – not necessarily but desirably in terms of specific wording changes – and be accompanied by a one-to-two page explanation of the rationale for the changes.

16.3 Indirect Membership Amendment Proposals. Motions made during a Member or Board of Directors Meeting may indirectly imply changes to the Bylaws. The approach to identifying and considering the needed changes shall be defined by the Board of Directors.

16.4 Amendment Change Notifications. The intent to consider changes to the Bylaws shall be specified in a Board of Directors' Meeting's announcement.

16.5 Advice of Counsel. The Board of Directors may, at their discretion, seek the advice of legal counsel.

16.6 Effect of Changes. Changes approved by the Board of Directors shall take effect immediately subject to the Statutes.

16.7 Reporting. The disposition of all potential changes considered by the Board of Directors shall be reported to the Members. This report shall 1) identify the source of the proposed change, 2) synopsise the change-proposers' rationale for the change, 3) synopsise the Board-of-Directors' deliberations regarding the proposed change, 4) state the Board of Directors' decision, and 5) synopsise the rationale for the Board of Directors' decision.

### **Doing Things**

Never interrupt someone doing what you said couldn't be done.

*Amelia Earhart, Aviator*

## ***Chancellor's Message***

**Wallace K. 'Wally' Ewing, Ewing Family Association Chancellor ([WKEwing@charter.net](mailto:WKEwing@charter.net))**

In my family files are photographs and minutes from family reunions of the 1890s to the 1910s, usually held in Michigan or Ohio. The gatherings typically consisted of immediate family, although many of the attendees traveled some distance for the occasions. The emphasis of the two- or three-day event was on renewing friendships, conversing with new cousins, and having a good time. Detailed family trees and genealogical tidbits were exchanged, and our Ewing roots in Scotland were acknowledged and praised. One of the surviving trees in my files is labeled "The Ewing Family Record Findley MacCallum Ewing, born in Ayrshire Scotland about A.D. 1665." At the top my grandfather, A. E. Ewing, wrote "All Bosh."



### **Clan Ewing**

I think A. E. Ewing and other ancestors would be delighted to learn that our links to Scotland are receiving renewed attention and new attributes – and none of it is "bosh." As a result of the June 6<sup>th</sup> Derbhfine held in Glasgow, attended by our own Beth Toscos, Jane Weippert, and Karen Avery, the Lord Lyon appointed Thor Ewing Commander of a new organization, Clan Ewing, and John McEwan's leadership in Scotland led to the Lord Lyon appointing him Commander of Clan MacEwen. For more detail, read reports from David Neal Ewing, Beth Toscos, and Thor Ewing appearing in this issue of the *EFA Journal*.

The 2014 Gathering in Ft. Wayne affords EFA members an opportunity to discuss the dynamics of the three organizations: the EFA, Clan Ewing, and Clan MacEwen, and how each group augments the others. At our General Meeting we will have the opportunity to discuss possible benefits to the EFA as a result of the dramatic changes following the Derbhfine, what those changes mean to us, and how they impact our goals. EFA members may have their own perspectives to add.

I anticipate seeing all of you in September, not only because of the exciting agenda the Gathering Committee has planned, but also because of the important events that have occurred within and outside the EFA that need to be discussed. Your opinions, energy, and support are important.

### **New EFA Bylaws**

The Board of Directors (BoD) has approved a new Bylaws prepared by the Bylaws Amendment Committee (BAC) with the help of legal counsel and feedback from the BoD and Members. The new Bylaws are posted on the EFA's Web Site and reprinted starting at page 27. The process by which this new version was created is discussed in the BAC Final Status Report on page 23.

Members may discuss and comment on the Bylaws and the Association's policies and procedures they reflect during the Member Meeting at the upcoming 2014 Gathering at 10:30 AM on Saturday, September 20<sup>th</sup>. After a final BAC Status Report there will be an open discussion culminating in a decision about whether to confirm or reject the BoD's Bylaws-approval action.

*Wally Ewing*

## ***Member Meeting***

**Beth (Ewing) Toscos, Ewing Family Association Secretary (*MBToscos@comcast.net*)**

The next Member Meeting of the Ewing Family Association will be held during the 2014 Gathering at the Allen County Public Library, Fort Wayne, Indiana, at 10:30 a.m. on Saturday, September 20, 2014.

*Beth Toscos*



### **Agenda**

1. Call to Order – Chancellor Wallace K. Ewing
2. Approval of Minutes for September 23, 2010, General Meeting – Beth (Ewing) Toscos
  - The Minutes of the previous, September 2010, Member Meeting were published on pages 36-37 in the Vol. 18, No. 4 (November 2012) issue of the *Ewing Family Journal*.
3. Officer and Committee Reports
  - Treasurer's Report – Linda 'Lynn' (Ewing) Coughlin
    - This will be an update to the end-of-year report of the Association's financial status appearing on page 8 in the Vol. 20, No. 1 (February 2014) issue of the *Ewing Family Journal*
  - Bylaws Amendment Committee Report – William Ewing Riddle
    - This will first provide a report on the Bylaws Amendment Committee's (BAC's) activities resulting in the creation of a new Bylaws which was approved by the Board of Directors on 20 July 2014. This will be followed by an open discussion of the new Bylaws and the Bylaws-mandated procedure leading to its approval. This discussion will culminate in either confirmation or rejection of the Board of Directors' approval of the new Bylaws.
4. Election of Chancellor and Directors – Jane (Ewing) Weippert
  - Election of the Chancellor
  - Presentation of the Director Slate developed by the Nominating Committee
  - Additional Director Nominations from the Floor
  - Election of the New Board of Directors
5. New Business
  - New Business as Proposed from the Floor<sup>1</sup>
6. Comments from the Floor
  - General Comments, Observations and Suggestions Raised by Attendees
7. Adjournment

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<sup>1</sup> Ten minutes will be allocated per person with a maximum of two opportunities for each individual to speak. In the interest of time, it would be a good idea for those with specific views to identify a spokesperson who can present their arguments in a logical, organized manner.



Ewing Family Association  
Thirteenth Biennial Gathering

*Down the Canal  
into the New Frontier*

Fort Wayne, Indiana  
September 19-21, 2014

*See Pages 1-5  
For Further Information*



Ewing Family Association  
1330 Vaughn Court, Aurora, Illinois 60504

The **Ewing Family Association** fosters interest in the Ewing family; promotes gatherings of its members; publishes a journal with biographical, genealogical and historical information; encourages identifying the relationships among Ewing families; and encourages genealogical research and the sharing of results.

Membership is open to all persons with the surname of Ewing or who are descended from anyone with that surname; to anyone who is, or has been, the spouse of such a person; and to anyone who otherwise supports the organization's purposes. To join, send a membership form to Ewing Family Association, 1330 Vaughn Court, Aurora, Illinois 60504

Forms are available at [www.EwingFamilyAssociation.org](http://www.EwingFamilyAssociation.org). Annual dues are \$25.00. Membership includes the quarterly *Ewing Family Journal*.

Publication of the ***Ewing Family Journal*** began in 1994. Through 2008, the publication was titled *Journal of Clan Ewing*. The first two issues were published in August and November 1994. They were not designated with a Volume and Number. The February 1995 issue was designated as Vol. 1, No. 4, as it was the third issue of the *Journal*. The *Journal* is currently published quarterly in February, May, August and November.

We welcome contributions to the *Journal* from Ewing Family Association members and others. Electronic copy is preferred and should be sent to the Editor at [Riddle@WmERiddle.com](mailto:Riddle@WmERiddle.com). Hardcopy submissions should be sent to William E. Riddle, 500 Rodeo Road #823, Santa Fe, New Mexico, 87505. If you would like to discuss a potential submission, please call William E. Riddle at +1 505.988.1092.