

By-Laws

4th Regiment, 1st Division

Army of Northern Virginia

(1st North Carolina Battalion)

January 9, 2016

- I. Organization**
- II. Companies**
- III. Voting**
- IV. Duties of battalion officers**
- V. Duties of Company Officers and NCO=s**
- VI. Colors and Color Guard**
- VII. Musicians**
- VIII. Medical Staff**
- IX. Specialty Impressions**
- X. Uniform and Accouterments**
- XI. Camp and Field**
- XII. Amendments**
- XIII. Dues**
- XIV. Dissolution**

By-Laws of the Fourth Regiment, First Division, Army of Northern Virginia (First NC Battalion)

I. Organization

- A. This organization is established as the “First North Carolina Battalion” (FNCB) and/or “4th Regiment, 1st Division, Army of Northern Virginia” and is composed of reenactment units that wish to portray troops from the State of North Carolina and other Confederate forces from 1861-1865. The purpose for which the First North Carolina Battalion was organized, is to educate and inform the public about the War Between the States (Civil War); to preserve the heritage and customs of the men and women during this period of American History; to engage in any lawful act or activity for which corporations may be organized under Chapter 55A of the General Statutes of North Carolina; and is exclusively religious, charitable, scientific, literary and educational within the meaning of section 501(c)(3) of the Internal Revenue Code of 1986 or the corresponding provision of any future United States Internal Revenue Law.

Notwithstanding any other provision of these articles, this organization shall not carry on any activities not permitted to be carried on by an organization exempt from Federal Income Tax under section 501(c)(3) of the Internal Revenue Code of 1986 or the corresponding provision of any future United States Internal Revenue Law.

The corporation is organized to maintain corporate property.

The corporation shall be governed by the Board of Directors. The Board of Directors shall consist of five members elected at the annual meeting by a simple majority of unit delegates. The term of office for Board members shall be five years, with the election of one board member each year. **The Company Commander or designated representative from any other member company may nominate a new board member.** The nominee shall have been a member of the Battalion for no less than five years. No more than one member from the same company shall serve on the Board at any given time. The Chairman of the Board shall be elected by the members of the Board. If a vacancy shall occur during the calendar year, the seat will remain vacant until the next battalion meeting when an election shall be held to replace the vacant seat. The newly elected member shall serve the remaining term of the vacating member.

The Battalion Commander (Colonel) shall serve as an Ex-Officio Non-Voting member of the Board of Directors.

Any individual, unit, company, troop, or battery assigned, with approval of the Colonel or his designee, to the FNCB shall follow the Rules and Regulations of the FNCB.

- B. The Battalion shall meet in convention once a year for the purpose of:
1. Deciding what events the battalion will attend and/or what North Carolina unit(s) it will portray;
 2. Election of Officers;
 3. Forming necessary companies to make up the battalion;
 4. Receiving committee reports;
 5. Amending the By-Laws; and
 6. Conducting other business the body deems necessary.
 7. Admitting new units into the Battalion.
- C. The elected officers of the battalion will be:
1. Battalion Commander (Colonel)
 2. Lieutenant Colonel
 3. Senior Major
 3. Major
 4. Adjutant
 5. Sergeant-Major

D. The term of office for battalion officers will be from the time they are elected at the convention until the election of new officers at the next convention.

E. The surgeon, chaplain, and other officers as deemed necessary by the Colonel and staff will be appointed.

F. A reenactment unit may petition the FNCB for membership **up to 30 days prior to the annual convention. The petitioning unit must have a minimum of five new or currently unaffiliated military members (to include musicians, chaplains, and medical personnel, but not to include associates, patrons, ladies, auxiliary, etc.) independent of any other existing unit in the FNCB.** A vote of the existing membership at the annual convention shall determine admittance into the FNCB. Every reenactment unit admitted into the FNCB after February 13, 1993 shall be placed on probation for one (1) year. After one (1) year status of the aforementioned reenactment unit shall be determined by vote at the next annual convention following the probationary year.

G. Any reenactment unit that fails to pay battalion dues and fails to be represented or provide proxy at the next annual battalion convention meeting will be notified by the Adjutant by certified mail of such omissions. The reenactment unit must 1) respond to the Adjutant within 10 working days, 2) pay the past due battalion dues, and 3) agree to provide representation or proxy at the next annual convention of the battalion. Failure to comply with any or all of the above requirements will result in that reenactment unit being dropped from the battalion roster by the Adjutant.

H. Any reenactment unit that fails to provide for its representation or proxy at two consecutive battalion conventions will be dropped from the Battalion roster and must reapply for membership.

I. Any unit or individual membership may be terminated by vote of the membership of the FNCB.

J. Any Individual or groups of individuals intending to transfer from one reenactment unit to another unit or intending to form a new unit within the FNCB as set out in the following procedures.

1. Submit your notification of transfer in writing to your unit commander with one copy sent to the Adjutant and one copy sent to the commander of the unit you wish to join.
2. Upon receipt of your request for transfer, your unit commander will forward his recommendation in writing to the individual with copies to the Adjutant and to your requested unit commander.
3. Transfers must be reviewed and notified by both units in question.
4. The Battalion commander will be notified of all such transfers.

II. Companies

A. At each convention a decision will be made by the battalion commander as to the number of companies that are to be formed within the battalion for the year.

B. A company will be formed by one or more reenactment units, grouping themselves together. Each company formed will be, as near as possible, equal in strength to each other.

C. The battalion commander shall have the final decision on which and how many reenactment units form a company.

D. The officers of a company will be:

1. Company commander;
2. Lieutenants; and
3. First Sergeant

E. After consultation with the company staff (Lieutenant and First Sergeant), the company commander will appoint the appropriate number of Sergeants and Corporals (not to exceed four (4) Sergeants and/or four (4) Corporals).

III. Voting

A. Reenactment units will have one (1) vote per unit at the convention. To qualify as a unit for voting purposes, each unit must have five (5) military members, to include musicians, chaplains, and medical personnel, but not to include associates, patrons, ladies, auxiliary, etc. This military member status will be based on dues and insurance paid in accordance with Article XIII

B. All votes must pass by a 2/3 majority with the exception of Section I.(c) above. The Elected Officers shall have a simple majority of votes. A quorum consisting of no less than fifty-one percent of the FNCB unit membership shall be present in order for a vote.

C. Only a duly authorized representative will be allowed to vote or bring business before the convention.

D. All past Battalion Commanders will be admitted to the convention floor as independent representatives, but only the immediate past Commander will have one vote, providing that his unit membership is ongoing and current.

E. Voting shall be by one of the following methods as determined by the battalion commander:

1. Unit representatives that are in good standing shall be issued voting cards by the Adjutant upon arrival at the annual convention. Member units shall signify their vote by display of the voting card when called upon by the battalion commander.
2. Roll call--The battalion commander will identify each unit present. Each unit representative shall vote. The Battalion Commander shall announce the results to the convention.
3. Ballot--Each unit present will record on paper the following:
 - a. Unit designation;
 - b. (Deleted in entirety)
 - c. How it wishes to vote on a nomination or proposal.

The Battalion Commander will cause the votes to be counted and the results will be announced to the convention.

F. A unit may abstain from voting.

G. A representative may challenge a vote and ask for a roll call or ballot vote.

IV. Duties of battalion officers:

A. The battalion commander will be the official representative of the battalion. All correspondence to and from organizations wishing to conduct business with the battalion will be done through the battalion commander. All correspondence pertaining to the battalion will be distributed to the staff.

B. The battalion commander shall act as commander/moderator at all battalion meetings and/or functions. He will conduct meetings in a fair and orderly manner adhering as closely as possible to the by-laws and "Roberts Rules of Order".

C. The battalion commander may appoint a moderator "pro-tem" if necessary for any business meetings.

D. The battalion commander has the authority to appoint such committees, as he deems necessary.

E. The battalion commander will decide the uniform to be worn by his staff.

F. The battalion commander will enforce military order and discipline within the battalion. When a company commander cannot rectify a problem individual within his company, the battalion commander will take action against such person when the person's conduct could bring discredit upon the battalion or the State of North Carolina.

G. The battalion commander may call a general business meeting outside the convention, provided there is a particular problem or urgent matter that needs to be addressed. Provided further that the meeting shall be called at a battalion function and all reenactment units in the battalion are notified in advance that a meeting is being called and a reason given for calling it. Voting will be governed by Section III of these by-laws.

H. The battalion Lieutenant Colonel will assist the battalion commander. He must be prepared to fulfill or assist in fulfilling the duties of any staff officer. He must be prepared to succeed the battalion commander in case of his absence.

I. When the battalion is in convention or at a business meeting the battalion Lieutenant Colonel shall serve as parliamentarian.

J. The Senior Major, Sergeant Major, and Ordnance Sergeant are to serve on the battalion safety committee. The Senior Major shall chair the safety committee. The Battalion Commander will appoint an Ordnance Sergeant to enforce the battalion Safety Regulations. All proposed changes to the Safety Regulations shall be reviewed and unanimously approved by the Safety Committee. The Safety Committee shall recommend any proposed changes to the floor of the convention for vote.

K. The battalion Adjutant will serve as the secretary of the battalion.

L. The battalion commander shall appoint a treasurer of the battalion. The treasurer will receive and disperse funds as directed by the battalion commander up to \$500. The Board of Directors shall have authority to disperse funds over the

amount of \$500. The treasurer will give a financial report at the battalion convention. Expenses of the Colonel or his designee for the purposes of attending official meetings or conferences outside of reenactments shall be reimbursed by the battalion, including but not limited to meals, lodging, and mileage at the prevailing Internal Revenue Rate.

M. The Adjutant will act as secretary at the convention. He will keep accurate records of all battalion meetings and be prepared to give reports of such meetings at the convention.

N. When in the field the Adjutant will assist the battalion commander in maintaining discipline within the battalion. He will also assist the battalion commander with correspondence. He will keep records pertaining to the battalion and its strength and any other information from company First Sergeants. In this regard the Adjutant may bypass the company commander in the chain of command. The Adjutant will also be responsible for all duties pertaining to the battalion while in the field.

O. The battalion Sergeant Major shall act as the representative of privates and NCOs to and from the Battalion Commander.

P. At the convention or other general business meetings, the Sergeant Major shall act as Sergeant at Arms.

V. Duties of Company Officers and NCOs

A. All company officers and NCOs are responsible for the good order and discipline of their company. Any problems they cannot handle will be referred to the battalion staff. They will carry out the orders of the battalion commander or his representatives and will support them in their endeavors.

B. The company commander is the representative of the company (composed of one or more individual units). He will represent the company at battalion meetings and is responsible to pass in formation to and from the battalion staff. He is also responsible to insure his company is properly drilled and informed of all battalion matters (including safety procedures).

C. The company commander will appoint NCOs (other than the First Sergeant), as he deems necessary.

D. The company Lieutenants will assist the company commander in his endeavors.

E. The First Sergeant (or Orderly Sergeant) will assist the company officers in carrying out all duties pertaining to their company.

F. The first sergeant will carry and maintain the company roster. He will furnish information pertaining to unit strength that the adjutant may request. In addition, he will assign details, through the use of a duty roster. He will be as fair and just in assigning details as time and circumstances permit.

G. Sergeants and Corporals who are appointed by the company commander will assist in drill and in maintaining the good order of the company.

H. NCOs will take charge of any detail they are assigned by a company officer or first Sergeant. They will faithfully carry out any order issued to them.

I. A Provost Marshal shall be appointed by the battalion commander and will be responsible for the well being of the battalion camp and will insure that all kitchen fires be kept alive and that all officers, staff, and appointed people be awakened at the appointed time prior to reveille. The Provost Marshal shall keep order and discipline within the battalion camp and on the field.

VI. Colors and Color Guard

A. The duty of the Color Guard is to be responsible for the care, custody, and security of the Colors. No one will be allowed to be in possession of the Colors except by order of the Battalion Commander.

B. When not at an event, the Colors will be in the custody of the battalion commander. The Colors will only be used at an event in which the battalion voted to attend.

C. The Color Guard will be appointed by the battalion commander from various units. The Color Guard will be

commanded by a Sergeant with the other members carrying the rank of Corporal. The number of the Color Guard shall not exceed nine.

D. The Color Guard will be under the direct command of the battalion commander and Adjutant.

VII. Musicians

A. The principal musician will be appointed by the battalion commander and will carry the rank as determined by the battalion commander.

B. The head musician shall be represented at battalion staff meetings.

C. All musicians will be grouped together.

D. All musicians are required to obtain the approved manual set by the Musicians Audition Committee.

E. All musicians may be required to audition for the position of musician before the Principal Musician, Adjutant, and Battalion Commander.

F. Any participating musician must qualify by audition or seek other battalion duties.

VIII. Medical Staff

A. The Surgeon is responsible for the health of the battalion; he should be a licensed physician. If a licensed physician is not available, an individual with Red Cross Certification may serve the position. The Surgeon shall keep their respective license or Red Cross certification current and up to date. The Adjutant shall keep a copy of the license/certification.

B. The Battalion Surgeon will carry a rank to be determined by the battalion commander.

C. The Surgeon will have the service of troops not under arms who will be Hospital Stewards. The Surgeon must have his own necessary supplies to take care of the troops. No female nurses will be allowed on parade formations or the field except as authorized by the battalion commander.

IX. Specialty Impressions

A. Specialty impressions, including but not limited to telegraphers, engineers, ordnance, quartermasters, signal or battalion corps officers, and undertakers are discouraged.

B. The Battalion Commander may grant exceptions to acceptance of specialty impressions under certain circumstances, such as, in the case of living history programs. In granting these exceptions, he must use judicious discretion and consult his staff before granting permission.

C. All couriers for the battalion will be appointed from cavalry units within the battalion.

X. Uniform and Accouterments

A. Any period headgear will be acceptable.

B. Any period style military or civilian pattern trousers will be acceptable.

C. Only period shoes will be acceptable. This includes Jefferson bootee/brogan. Desert boots will be acceptable as long as there are no eyelets and no stitching or seams on top of the toe or upper foot area. Combat boots, cowboy boots, work boots, dingo boots, oxford style shoes or tennis shoes will not be worn. Officers and mounted couriers may wear appropriate style boots. Period shoes must be worn at all times.

D. Any period cut and color shirt will be acceptable. A period vest is optional.

E. Socks may be either wool or cotton and solid in color. Athletic socks with stripes are not permitted.

F. Haversacks may be either black or white cloth.

G. Canteens may be any pattern or style from 1861-1865.

H. Period knapsacks should be worn. Instead of knapsacks, blanket rolls using period blankets (no olive drab wool

blankets) may be worn.

I. Leather gear listed in this subsection may be either black or russet. Cartridge boxes are to be federal, state or militia. Cap boxes and bayonet scabbards/ with bayonet to be worn on or with a period waist belt.

J. Buckles for waist belts shall be frame, roller buckle, militia plates, US, CS, CSA, or NC.

K. All weapons will be percussion, two or three banded rifled or smooth bore muskets with fitting bayonets. Zouave, cut down muskets, carbines, shotguns, civilian style or modern weapons are not permitted for infantry.

L. Pistols are reserved for field and staff officers and mounted troops. Infantry officers are not to carry loaded pistols on the field, unless authorized by the Battalion Commander. If authorized to carry loaded pistols, "wonder wads" are forbidden

M. The Battalion Commander may make exceptions to Section X when it is in the best interest of the service.

N. All officers must have belt, and sword.

O. All officers must have frock coats or shell jackets.

P. Members are encouraged to refer to the guidelines and rule prepared by the Safety Committee.

XI. Camp and Field

A. The battalion camp will be an authentic camp. Proper areas will be provided for civilian family members.

B. Proper period dress is mandatory in camp.

C. No pets allowed in camp.

D. All Companies are responsible for furnishing details for provost, fatigue duty, and camp guard. Each member is expected to stand his turn.

E. Fire pits will be in designated areas. Each Company is responsible for its kitchen.

F. Use of illegal drugs will not be tolerated and will result in the expulsion from the battalion of that person guilty of the offense. Said offender will not be permitted to participate with the battalion for a period of one year.

G. Abuse of alcoholic beverages will not be tolerated. The Company Commander will be held responsible for maintaining discipline in regards to this subsection.

H. Modern items (except wedding rings) that are not to be visible in camp include but are not limited to: cigarettes, radios, air conditioners, heaters, wrist watches, modern eyewear, modern jewelry, coolers, television, or flashlights. Drinks should be in period containers.

I. Taps or Quiet in Camp will be observed form 11:00 p.m. until reveille.

J. Drill instruction shall be based on Hardee's C. S. Drill Manual, dated 1861 (a.k.a., "*North Carolina Drill Manual*"). Administration of instruction will be by the Sergeant Major.

K. Persons acting in an uncooperative manner will be removed from camp.

L. Ladies and under age children will not function on the field of drill or battle.

M. All units will maintain strict discipline during a reenactment. No unit or individual will act independently without prior approval from the Battalion Commander.

N. Each individual shall participate in battalion and/or company drill prior to field events.

O. Safety is everyone's responsibility. The Safety Committee rules are to be followed.

XII. Amendments

A. The First North Carolina Battalion By-Laws may be amended when the assembly is in session at the annual convention.

B. A proposed change in the By-Laws or Amendment must be offered from the convention floor by a delegate.

XIII. Dues and Insurance

A. Annual dues shall, be **\$3.00**/military member, per year. Dues shall be due on January 1, and shall be good until December 31 of the same year.

B. Each individual shall carry Liability and Accidental Insurance.

XIV. Dissolution

No part of the net earnings of the corporation shall inure to the benefit of any officer, director or member; moreover, in the event of dissolution, the residual assets of the corporation shall be turned over to one or more organizations that are tax-exempt organizations as defined by the United States Internal Revenue Code. The corporation is organized exclusively for educational purposes, including, for such purposes, the making of distributions to organizations that qualify as tax-exempt organizations as defined by the United States Internal Revenue Code.

Upon the dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future Federal Tax Code, or shall be distributed to the Federal Government, or to a State or local government, for public purpose. Any such assets not so disposed of the Court of Common Pleas of the county in which the principle office of the corporation is then located, exclusively for such purposes or to such organizations, as said Court shall determine which are organized and operated exclusively for such purposes.

End By-Laws