

that may be prescribed by him, perform the duties that properly belong to their several offices, or such other duties as may be assigned to them by the commander-in-chief, but they shall receive no compensation therefor, except when on actual service, by command of the commander-in-chief, and mustered in with the troops.

**9.** All field officers of regiments and battalions shall be elected by the ballots of the commissioned officers of the companies composing said regiments or battalions; all generals of brigades or divisions shall be elected by the ballots of the commanding officers of the regiments and battalions comprising said brigades or divisions; company officers shall be elected by the ballots of the members of their respective companies; *provided*, that at such elections a majority of the ballots of the qualified voters shall be requisite to an election. The commissioned and non-commissioned staff shall be appointed by the commanding officer of the respective division, brigade, regiment, battalion, or squadron, non-commissioned officers of companies shall be appointed by the commanders of their respective companies; and warrants of non-commissioned officers shall be issued by their respective regimental or battalion commanders.

Id s 9.  
Election of  
officers

Proviso.

Appointments

Warrants

**10.** All commissioned officers of the militia shall be commissioned by the governor, who may, in his discretion, withhold such commission, in order to determine the qualification of the person for the office to which he shall have been elected or appointed; and if, upon reference to an examining board, appointed as hereinafter provided, an elected or appointed officer shall be adjudged unqualified by a majority of said board, then another officer shall, within ten days, after due notice given in writing to the adjutant-general, to whom the presiding officer of said board shall report, be elected or appointed, as provided for by this article, and, in default of such election or appointment, the vacancy shall be filled by the commander-in-chief.

Id s 10  
Commissioned  
officers  
Power of  
governor

**11.** Every organized company of volunteer militia may, by a vote of a majority of its officers, adopt by-laws, which, when approved by the commanding officer of the regiment, battalion, squadron, or battery, or independent organization, to which said company belongs, and approved by the adjutant-general, shall be binding upon all the members of such company, *provided*, that nothing therein shall be inconsistent with the Constitution or laws of this State or of the United States, or the rules and regulations prescribed by the commander-in-chief; and whenever any fine or penalty for absence from drill, neglect of duty, or other cause, shall be imposed by virtue of such by-laws, the same may be collected by execution in the same manner as judgments rendered by a justice of the peace, for the use of said company, upon a statement certified by the commanding officer thereof, showing how, when, and for what amount said fine or penalty was assessed.

Id s. 11.  
By-Laws of  
volunteer com-  
panies.

Fines and penal-  
ties, how col-  
lected.

**12.** The commander-in-chief shall prescribe such rules, orders, and regulations for the distribution of arms, accoutrements, and

Id s 12  
Rules for dis-  
tribution of  
arms, etc.