

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.

1870, ch. 182, sec. 10.

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.

Ibid. sec. 11.

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.