

sioned staff officers of their respective regiments, and they shall, in their discretion, warrant the non-commissioned officers of the companies of their respective regiments or battalions from the members thereof, upon the written nomination of the commanding officer of the company. In the troop, battery or separate company and in the Signal Corps the non-commissioned officers shall be warranted by the commanding officer of the brigade, at his discretion, from the members thereof, upon the written nomination of the commanding officer of the troop, battery, company or Signal Corps. No enlisted man shall be warranted as a non-commissioned officer unless he shall have passed previously a satisfactory examination before a board of examination to be appointed by the officer authorized to issue such warrant. Sergeants, first class, and sergeants of the hospital corps must be appointed from the members of the Hospital Corps. The officer warranting a non-commissioned officer shall have power to reduce to the ranks, for good and sufficient reasons, the non-commissioned officers named in this section; but such as were enlisted as non-commissioned officers shall be discharged. Non-commissioned officers who shall be dropped vacate their position. The provision of this section apply to the warrant and petty officers of the Naval Brigade.

63. The force organized as prescribed in this Act shall be considered in the actual service of the State, and the members thereof shall be subject to all military laws, orders and regulations prescribed for the government thereof, and all military offenses shall be considered, and they are hereby declared to be offenses against the general police regulations of the State, and shall be punished by fine or imprisonment as hereinafter provided.

Except when on duty as prescribed in Section 13 of this Act and subject to the provisions thereof, commissioned officers may be tried by court-martial for the following offenses:

1. Non-attendance without excuse at any drill, parade, encampment, meeting for instruction, or other duty ordered by competent authority.
2. Unmilitary or unofficer-like conduct.
3. Drunkenness on duty.
4. Neglect of duty.
5. Disobedience of orders or any act contrary to the provisions of the Militia laws of the State or to the orders and regulations prescribed for the government of the National Guard.
6. Refusing to grant a discharge to an enlisted man when entitled to same.