

gade Commander) or Commander of the Naval Brigade, confer brevet commissions of a grade next higher than the ordinary commission held by them upon officers of the National Guard in active service for gallant conduct or meritorious service. He may also confer upon officers in active service in the National Guard, who have previously served therein in a higher grade or who have previously served in the forces of the United States in time of war, brevet commissions of a grade equal to the highest grade in which they previously served. Such commissions shall carry with them only such privileges or rights as are allowed in like cases in the military and naval service of the United States.

Section XXXVIII. Commanding Officers of regiments, and of battalions not part of regiments, shall appoint and warrant the noncommissioned staff officers of their respective regiments, and they shall, in their discretion, warrant the noncommissioned 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 noncommissioned 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 noncommissioned 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. Sergeant, first class, and sergeants of the Hospital Corps must be appointed from the members of the Hospital Corps. The officer warranting a noncommissioned officer shall have power to reduce to the ranks, for good and sufficient reasons, the noncommissioned officer named in this section; but such as were enlisted as noncommissioned officers shall be discharged. Noncommissioned officers who shall be dropped vacate their position. The provisions of this section apply to the warrant and petty officers of the Naval Brigade.

Section XXXIX. Any man who is a citizen of the United States, or has declared his intention to become a citizen, if more than eighteen and not over forty-five years of age, able-bodied, of good character and temperate habits, may be enlisted in the National Guard of this State, under the restric-