

the War Department; provided that this Act shall not apply to any person hereafter appointed an officer, unless he shall have successfully passed such tests as to his physical, moral and professional fitness as the Governor shall prescribe. The examination to determine such qualifications for commission shall be conducted by a board of three commissioned officers appointed by the Governor from the Regular Army or the National Guard or both.

19. A commissioned officer shall not be removed from office without his consent, except as provided in this Act or by regulations of the War Department; provided that at any time the moral character, capacity and general fitness for the service of any commissioned officer may be determined by an efficiency board of three commissioned officers, senior in rank to the officer whose fitness for service shall be under investigation, and if the findings of such board be unfavorable to such officer and be approved by the official authorized to appoint such a board, he shall be discharged. Commissions of officers may be vacated upon resignation, absence without leave for three months, upon the recommendation of an efficiency board or pursuant to sentence of a court-martial.

20. A commissioned officer tendering his resignation, if accepted by the Governor, shall receive an honorable discharge, provided he shall not be under arrest or returned to a military court for any deficiency or delinquency; and provided further, he be not indebted to the State in any manner, and that his accounts for money or for public property be correct. If the Governor accept the resignation of an officer who at the time shall be under arrest, under charges or returned to a military court for any offense, deficiency or delinquency, such officer shall then cease to be an officer and shall receive a discharge in such form as the Governor shall direct; nor shall he be again eligible to receive a commission unless he first re-enlist and until he shall have performed at least 60 per cent. of duty in each year under such enlistment for two successive years.

21. 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 organized militia of this State as provided in this Act and the National Defense Act and regulations made in pursuance thereof.