

the retired list any officer who has been twenty-five years in the active service of the National Guard on the recommendation of the commanding officer of the First Brigade or Naval Brigade. Vacancies created by the operation of this section shall be filled in the same manner as other vacancies.

SEC. 49. Any man who has served the period of his original enlistment may be re-enlisted with the right to be granted his discharge at the expiration of any year in said term of re-enlistment. No man above the age of forty-five shall be re-enlisted except by permission of the commanding officer of the brigade or naval brigade and upon the recommendation of his company or division commander.

SEC. 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 offences shall be considered, and they are hereby declared to be offences against the general police regulations of the State and shall be punished by fine or imprisonment as hereinafter provided.

Except when on duty in time of war, insurrection, invasion, public danger or to aid the civil authorities on account of any breach of the peace, tumult, riot, resistance to power of the State, or imminent danger thereof, and also in all cases not otherwise covered, commissioned officers may be tried by court-martial for the following offences:

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.

7. Oppression or injury of any under his command.

8. Conspiracy or attempt to break, resist or evade the laws or lawful orders given to a person or advising any person to do so.