

All officers of the organized militia of this State shall be empowered to administer oaths of enlistment, subject to regulations prescribed by the Government of the United States, provided, however, no enlistment shall be valid until it be approved by the commanding officer of the organization to which the company, troop, battery, corps, or division is attached, or of which it forms a part.

It shall be unlawful for any person to misstate his age for the purpose of securing enlistment in the organized militia of this State. It shall be unlawful for any person to enlist in two military organizations at the same time. Any person violating the provisions of this section shall be guilty of fraudulent enlistment.

35. 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.

36. An enlisted man who shall remove his residence to such distance from the army of his organization as to render it impracticable for him to perform his duties properly, or who, after due diligence, can not be found, or who shall be convicted of a crime, or who shall be expelled from his organization in accordance with the by-laws lawfully adopted, shall be discharged upon the request of his commanding officer by order of the Commander-in-Chief.

37. An enlisted man discharged by reason of removal, upon re-enlistment at any time after his original enlistment in his former or any other organization, obtaining in the latter case first the permission of his former commanding officer, approved by the Commander-in-Chief, shall receive credit for the time served before such discharge.

38. That an enlisted man discharged from service shall receive a discharge in writing in such form and with such classification as is prescribed for the Regular Army, and in time of peace discharges may be given prior to the expiration of terms of enlistment upon the permanent removal of a soldier beyond the limits of the organization to which he belongs; because of his engagement in business such as precludes him from properly performing his military duties; upon certificate of a medical officer or reputable physician that he has become permanently incapacitated for military service,