

companies therein of the minimum standard required, the deficiency shall be supplied by draft from the reserve militia.

*Time and Mode of Drafting.*

SECT. 35.—If the said companies are not filled as hereinbefore provided on or before the first day of March, 1865, the several commandants in each district so deficient shall forthwith proceed to draft the requisite number of men from those of said enrolled militia, who have not paid commutation as hereinbefore prescribed. In case the requisite number cannot be obtained from this class, they shall then immediately proceed to draft, the residue from among those who have paid commutation; and in such cases, the commutation money paid by such drafted persons shall be returned to them, as hereinbefore provided in section 25.

SECT. 36.—The said draft shall be determined by lot in the presence of such persons as may choose to attend and witness the same, and the several district commandants shall, not less than one week before commencing said draft, give public notice thereof, and of the time and place of holding the same, by advertisement set up at the court house door. And any district commandant failing to give such notice shall be liable to a fine of not more than one hundred dollars, provided that want of notice as aforesaid shall not of its itself invalidate any draft otherwise properly made.

SECT. 37.—The said district commandants shall, in like manner, make annual drafts immediately after the first day of June in each year, whenever, by reason of death, discharge or other cause, the number of the National Guard within their respective districts shall fall below the standard herein required.

SECT. 38.—The persons so drafted shall be thereupon assigned to one of the said companies, shall be enrolled as members thereof, and upon due notice given of such draft, assignment and enrolment, shall be required to perform all the duties herein mentioned, and in case of non-performance thereof, shall be subject to the penalties herein prescribed. (V. Sect. 206.)

*Term of Service.*

SECT. 39.—Every commissioned and non-commissioned officer and soldier of the National Guard shall be held to service therein for the term of five years, unless he shall sooner arrive at the age of forty-five years, or be disabled or discharged and thereafter he shall be entitled to a certificate of such service from the adjutant general, and he exempted from further military duty in time of peace; provided, that no person shall be held to perform active service in the field in time of war, for more than twelve months during his term of State service.