

*Refusal to Serve.*

SECT. 40.—Any person liable to military duty who shall refuse or neglect to march in obedience to the order of his proper officer when called into active service by the Governor, as authorized by law, and any drafted person assigned to any company who shall fail or refuse to report and enlist as ordered, shall be deemed and treated as a deserter. (V. Sect. 159.)

*Enlistment Books.*

SECT. 41.—Before the organization of any company within any military district, its enlistment book shall be kept by the district commandant, and after the organization of said company, the said enlistment book shall be kept by the commanding officer thereof. And every person who may volunteer into said company, and every drafted person who may be assigned to the same, shall be required to enter his name, age residence and occupation in said enlistment book; or the same may be entered for him by said district commandant, or the company commander, as the case may be; and, if specially required by the said district commandant or company commander, shall take and subscribe the same oath of allegiance as is hereinafter required in the case of officers of the National Guard. And such signature and subscribed oath, when required, shall be legal evidence of the enlistment of every such person.

*Preliminary Organization.*

SECT. 42.—Whenever fifty men shall have enrolled themselves as members of any volunteer company they may proceed at once to a preliminary organization by the election of a first lieutenant, who shall appoint acting non-commissioned officers, and take command of said company until its organization is complete. In default of such election the district commandant may appoint some member of said company as acting first lieutenant, until such election shall be had.

*Company Organization.*

SECT. 43.—Whenever a company is raised to the minimum standard, its organization shall be completed by the election of all its company officers, and the appointment of its non-commissioned officers, and thereupon a complete roll of the company, with the names of its officers, non-commissioned officers and privates, shall be immediately afterwards returned by the captain to the adjutant general, with a certificate from the commandant of the military district, stating that the officers of the company have been elected by its members, after due notice given, as hereinafter prescribed, and by a majority of all the members of the company present and voting at said election.