

decision of the commanding officer of the regiment or battalion, or of the district commandant to the commander-in-chief, who shall hear and determine such appeal, and in case it shall be necessary order a new election.

*Commissions to Issue.—Oaths of Office.*

SECT. 103.—The Governor shall issue commissions to all officers duly elected or appointed in pursuance of the foregoing provisions and not ineligible by reason of any disqualifications hereinbefore mentioned, and every officer so commissioned shall within ten days after receipt of his commission, or after he is notified that the same is held in readiness for him, by any superior officer, take and subscribe before some justice of the peace the oath required by the constitution, together with the oath hereinbefore prescribed in the 17th section of the act for the organization and discipline of the militia.

The said oaths, with the justice's certificate, shall be endorsed on his commission, and a duplicate of the same, certified in like manner, shall be immediately returned to the office of the adjutant general.

SECT. 104.—In case of refusal or neglect to take such oath within the time mentioned, the party shall be deemed to have resigned said office, and a new election shall be forthwith ordered. A neglect or refusal of an officer to take such oath, shall be no excuse for neglect of duty during the time he may have exercised any duties of said office.

SECT. 105.—The oath, prescribed by the act aforesaid, shall be taken and subscribed in like manner by all non-commissioned officers, and shall be endorsed upon their warrants, with a certificate as aforesaid.

*Resignation.*

SECT. 106.—Every resignation shall be made through the commanding officers intermediate in rank, who shall forward the same, with an endorsement thereon of their approval or disapproval to the adjutant general, who shall lay the case before the commander-in-chief for his action.

SECT. 107.—No commanding officer shall approve a resignation offered between the first day of May and the first day of November, unless the reasons for such resignation are urgent and satisfactory.

SECT. 108.—If an officer unreasonably refuses to approve a resignation, and it is made so to appear to the commanders above him, they may approve and forward the same as above provided.

SECT. 109.—Officers under arrest shall not resign, but shall be suspended from exercising the duties of office.