

1908, ch. 103, sec. 12.

11. The portion of the reserve militia ordered out or accepted into service, as indicated in sections 8 and 9 of this article, shall be immediately mustered into the service of the State for one year, or unless sooner mustered out, as the governor may direct, and shall be organized into troops, batteries or companies, which may be arranged in squadrons, battalions or regiments, or assigned to organizations of the National Guard already existing. The governor is authorized to appoint the officers necessary to commence or complete any organization thus created. Such new organizations shall be equipped, disciplined and governed according to the militia law and the military regulations of the State.

1908, ch. 103, sec. 13.

12. Whenever any portion of the militia shall be on duty or pursuant to the orders of the governor, or shall be on duty or ordered to assemble for 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 process of this State, or imminent danger thereof, or for any other cause, the articles of war governing the army of the United States, as well as such regulations issued thereunder, shall be in force and regarded as part of this article until said forces shall be duly relieved from such duty. As to offenses committed when such article of war are in force, courts-martial shall possess, in addition to the jurisdiction and power of sentence and punishment therein vested in them, all additional jurisdiction and power of sentence and punishment exercisable by like courts under such articles of war or the regulations and laws governing the United States army, or the customs and usages thereof; but no punishment under such rules and articles, which shall extend to the taking of life, shall in any case be inflicted, except in time of actual war, invasion or insurrection, and then only after approval by the governor of the sentence inflicting such punishment. Imprisonment other than in guardhouse shall be executed in jails or prisons designated by the governor for the purpose.

1908, ch. 103, sec. 14.

13. Members of the militia ordered into the active service of the State by proper authority shall not be liable civilly or criminally for any act or acts done by them while in discharge of their duty. When a suit or proceeding shall be commenced in any court by any person against any officer of the militia for any act done by such officer in his official capacity in the discharge of any duty under this article, or against any person acting under the authority or order of any such officer, or by virtue of any warrant issued by him pursuant to the law, the defendant may require the person prosecuting or instituting the suit or proceeding to file security for the payment of costs that may be awarded to the defendant therein, and the defendant in all cases may make a general denial and give the special matter in evidence. In case the plaintiff