

An. Code, 1924, sec. 38. 1922, ch. 490, sec. 36. 1931, ch. 161, sec. 38.

**38.** Members of the organized militia, or any part thereof, ordered into the active military service of the United States shall stand relieved from duty in the organized militia so long as they shall remain in the active military service of the United States. Upon the termination of any emergency for which members of the organized militia, or any part thereof, have been ordered into the active military service of the United States, and upon being relieved from such active Federal service, all members shall continue to serve in the original militia; officers, as if uninterrupted, and enlisted men until the dates upon which their enlistments, entered into prior to their order to active Federal service, would have expired, if uninterrupted.

An. Code, 1924, sec. 40. 1922, ch. 490, sec. 38. 1927, ch. 70.

**40.** Courts-martial in the organized militia shall be of three kinds, namely, general courts-martial, special courts-martial and summary courts-martial. They shall be constituted like, and have cognizance of the same subjects, and possess like powers, except as to punishments, as similar courts provided for by the laws and regulations governing the Army of the United States, and the proceedings of courts-martial of the organized militia shall follow the forms and modes of procedure prescribed for said similar courts; except in cases of absence without leave in which cases the charge shall be referred to the summary court officer for trial without previous reference to an investigating officer. The jurisdiction of said courts or boards established under the provisions of this Article shall be presumed and the burden of proof shall rest on any person seeking to oust such courts or boards of jurisdiction in any action or proceedings.

General courts-martial of the organized militia not in the service of the United States may be convened by orders of the Governor, and such courts shall have the power to impose fines not exceeding two hundred dollars; to sentence to forfeiture of pay and allowances; to a reprimand; to dismissal or dishonorable discharge from the service; to reduction of non-commissioned officers to the ranks; or any two or more of such punishments may be combined in the sentences imposed by such courts.

In the organized militia, not in the service of the United States, the commanding officer of each garrison, fort, post, camp or other place, brigade, regiment, detached battalion or other detached command, may appoint special courts-martial for his command; but such special courts-martial may in any case be appointed by superior authority when by the latter deemed desirable. Special courts-martial shall have power to try any person subject to military law, except a commissioned officer, for any crime or offense made punishable by the military laws of the United States, and such special courts-martial shall have the same powers of punishment as do general courts-martial, except that fines imposed by such courts shall not exceed one hundred dollars.

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