

shall be in force and regarded as part of this chapter until said forces shall be duly relieved from such duty. As to offenses committed when such Articles 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.

SEC. 14. 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 shall be non-suited, or have a verdict or judgment rendered against him, the defendant shall recover treble costs.

SEC. 15. The Adjutant General shall be in control of the military department of the State, and subordinate only to the Governor in matters pertaining to said department. He will perform such duties as pertain to the Adjutant General and the other chiefs of staff departments, under the regulations and customs of the United States Army. He will superintend the preparation of all returns and reports required by the United States from the State, and will perform all the duties prescribed for him by the militia law of the State. (a) He shall keep a register of all the officers of the militia of the State, and keep in his office all records and papers required to be kept and filed therein, and make a report as of the 31st of December in each year within fifteen days thereafter to the Governor, including a detailed statement of all the receipts and expenditures for military purposes during the year. (b)