

order out, for the defence of the state, the militia or any part thereof, under his command, and immediately report what he has done to the Commander-in-Chief, through the Adjutant-General.

Notice to be given.

§ 286. It shall also be his duty to give immediate notice of such invasion, and of the circumstances attending the same, to his immediate commanding officer, by whom such information shall be transmitted, with the utmost expedition, to the Commander-in-Chief.

Regiments to be assembled.

§ 287. The commandant of every regiment or battalion, within the limits of which an insurrection may happen, shall immediately assemble his regiment or battalion, under arms, and with the utmost expedition shall transmit information of such insurrection to the commandant of his brigade and to the Commander-in-Chief.

Notice to Judge.

§ 288. He shall also give immediate notice of such insurrection to any judge of the county in which it shall happen, and shall take such measures for its suppression as to such judge shall appear most proper and effectual.

Judge may order additional force.

§ 289. If the said judge shall deem a greater force requisite to quell the insurrection, he shall require such additional force as he may deem necessary from the commandant of the division, or of any brigade thereon whose duty it shall be to obey his requisition.

Wounded or disabled men.

§ 290. Every person who, whilst in the actual service of this state, shall be wounded or disabled in opposing or suppressing any invasion or insurrection, shall be taken care of and provided for at the expense of the state.

#### OF RIOTS, TUMULTS, BREACHES OF THE PEACE AND RESISTANCE TO PROCESS.

Suppression of riots, &c.

§ 291. In case of any breach of the peace, tumult, riot or resistance to process of this state, or apprehension of imminent danger of the same, it shall be lawful for the sheriff of any county, or the mayor of any city, to call for aid from any division, brigade, regiment, battalion or company; and it shall be the duty of the commanding officer of such division, brigade, regiment, battalion or company, to whom such order is given, to order out, in aid of the civil authorities, the military force or any part thereof under his command.

Verbal orders.

§ 292. In such case it shall not be necessary for commandants of companies to issue written orders or notices

for calling out their men, but verbal orders and notices shall be sufficient.

§ 293. It shall be the duty of the commanding officer of any division, brigade, regiment, battalion or company, in all cases when so called into service, to provide the men of his command, so ordered out, with at least <sup>MINNA how</sup> <sup>to be armed</sup> twenty-four rounds of ball cartridge, and arms in complete order for actual service.

§ 294. Such officer shall be subject, as provided by <sup>Officer to be</sup> <sup>subject to</sup> <sup>sheriff.</sup> law, to the sheriff or public officer who shall so require his aid; and for refusing or neglecting to obey the order of such sheriff or public officer so requiring service, or for interfering or in any way hindering or preventing the men of his command from performing such duty, or in any manner, by neglect or delay, preventing the due execution of law, every such commanding officer, and every commissioned officer under his command so offending, shall be liable to a fine of not less than one hundred nor more than five hundred dollars, and imprisonment in the county jail for a period not exceeding six months.

§ 295. It shall be the duty of the district attorney of any county where such offence shall be committed to prosecute the same; and in addition thereto, such officer shall be liable to be tried by court martial and sentenced to be cashiered and incapacitated forever after for holding military commission in this state. <sup>Disobedi-</sup> <sup>ence, how</sup> <sup>punished.</sup>

§ 296. Any non-commissioned officer, musician or private who shall neglect or refuse to obey the orders of his commanding officer in the case above provided for, shall be liable to a fine of not less than twenty-five nor more than one hundred dollars, and imprisonment in the county jail for a period not to exceed three months, to be prosecuted and recovered in the manner hereinbefore provided in the case of commissioned officers. <sup>Penalty.</sup>

§ 297. All officers, non-commissioned officers and privates, in cases of riot, tumult, breach of the peace, resistance to process, or whenever called upon in aid of the civil authorities, shall receive the compensation provided by an act entitled "An act to enforce the laws and preserve order," passed April fifteenth, eighteen hundred and forty-five, which continues in force, and shall be published with this act; and every person who shall be wounded or disabled in such service, shall be <sup>Compensa-</sup> <sup>tion.</sup>

taken care of and provided for at the expense of the county where such service shall be rendered.

OF DRAFTS OF THE MILITIA.

Lots to be drawn.

§ 298. Whenever the Commander-in-Chief shall order a draft from the reserved militia of any company district, to raise the company of the national guard therein to and maintain the same at either the minimum or maximum number provided by this act, or whenever a general draft of the militia shall be made by order of the Commander-in-Chief, or of the President of the United States, such draft shall be determined by lot, to be drawn by the clerk of the county in which such roll has been filed, in the presence of the county judge and the mayor of any city, or the supervisor of any town or ward, upon the requisition of the commanding officer of the regiment within whose bounds such person may reside.

Exemption.

§ 299. Any person so drafted may, within five days after receiving notice of the same, present to the county judge of such county his certificate of exemption, or other proof of his non-liability to military duty, which shall be duly verified, and if such county judge shall decide that such person is exempt or not liable, he shall be discharged and another person shall be drafted in his stead, in accordance with the provisions of this act.

Substitutes.

§ 300. Any person so drafted, in accordance with the above provisions, may offer a substitute at the time of the rendezvous of the drafted military force and militia, and such substitute, if he shall be an able bodied man, of the age of twenty-one years and upwards, and shall consent in writing to subject himself to all the duties, fines, forfeitures and punishments to which his principal would have been subject had he personally served, shall be accepted by the commandant of the company of drafted militia to which his principal may belong.

Draft, how made.

§ 301. Whenever the President of the United States or the Commander-in-Chief shall order a draft from the militia for public service, such draft shall be made in the following manner:

1. When the draft required to be made shall be a number equal to one or more companies to each brigade, such draft shall be made by company, to be determined by lot, to be drawn by the commandant of brigade in the