

CHAP. 228. *extra battalion, and that each and every person belonging to said organized band of musicians, shall be under the command and direction of the said commanding officer, and shall perform the duty of musicians in said regiment, or extra battalion, instead of serving as privates therein; and in all meetings as directed by this act, the commanding officer as aforesaid shall cause the names of said musicians to be called over, and a list of absentees to be returned to him, within three days thereafter, which shall in like manner, and at the same time, be handed over to the court martial for the trial of non-commissioned officers and privates as absentees from parade; and in case any of them should neglect or refuse to appear at such meetings, when warned, with their instruments of music, they shall be liable to such fines and penalties, to be imposed, collected and distributed, in the same manner as is provided for in the case of non-commissioned officers and privates.*

Militia may be called out in case of invasion or insurrection

62. AND BE IT ENACTED, That in case of an invasion, or threatened invasion, of Baltimore county, or any part of the limits of the city of Baltimore, the brigadier generals, and commanding officers of regiments or extra battalions, or squadrons of the said brigades, shall have full power to order out the militia belonging to their respective districts or commands, or any part thereof; and it shall be the duty of any such officer to give notice of such invasion or threatened invasion, with every circumstance attending the same, as early as possible to their immediate commanding officer, by whom such information shall be transmitted with the utmost expedition to the commander in chief of this state; and in such cases it shall be the duty of the commanding officer of the regiment, battalion, extra battalion, or squadron, within the limits aforesaid, to assemble his regiment, battalion, extra battalion, or squadron, or such part thereof as he may deem necessary, and take such measures as he may deem requisite for the public defence and protection of the state, until the orders of the commanding officer of the brigade to which he belongs shall be by him received; and it shall be the duty of the commanding officer of the said brigade, immediately upon receiving such information, to communicate it to the major general commanding the division, and to give such orders, and if necessary such aid from his brigade, by causing detachments therefrom as aforesaid, as in his judgment shall be required, until the orders of the major general can be received; and to transmit information of what he shall so have done in the premises to the commander in chief, and to the major general aforesaid, without delay, and the militia shall be ordered out as aforesaid for the suppressing or preventing of an insurrection, or opposition to the laws, within the limits of the city aforesaid, when the mayor of said city, or chief justice of the Baltimore city court, or chief justice of Baltimore county court, shall in writing require it, and therein declare that he has good reason to believe that the peace and quiet of the state is likely to be endangered by an insurrection or opposition to the laws, and that military aid is necessary to suppress or prevent the same; and if any officer shall neglect or refuse to give such information as is required of them by this section, or shall neglect or refuse to order out the militia under his command, or such part thereof as he may be ordered or required to order out, as provided for in this section, or when so called out shall neglect or refuse to