

Dec. Sec. 1823

any of the provisions of this act as required of him, and as contemplated by this section, they shall without delay report the same to the officer competent to order such court martial as the case may require; and it shall be the duty of said officer forthwith to order such court, which shall have power to cashier or fine the delinquent as aforesaid, a sum not exceeding five hundred dollars if he should be found guilty of having made any dishonest or improper use of the money belonging to the regiment as aforesaid, and if any officer shall neglect or refuse to comply with any of the duties required of him by this section he shall be fined a sum not exceeding one hundred dollars, in the discretion of such court martial as the case may require.

Penalties.

Recovery  
of fines.

65. *And be it enacted*, That if any sum or sums, of money collected under or by virtue of the provisions of this act be not paid over conformably thereto, the same shall and may be recovered by action of debt in Baltimore County Court, in the name of the state for the use of the regiment for whose benefit the same was collected, and it shall be the duty of said court to render judgment at the first term after action brought, and from such judgment there shall be no appeal.

Brigade ex-  
pences.

66. *And be it enacted*, That the necessary expenses of each of the said brigades accruing under the provisions of this act, shall be paid in equal portions by the regiments composing the same, by written orders from the several commanding officers on their respective paymasters.

Brevet offi-  
cers.

67. *And be it enacted*, That the commanding officer of any regiment may on any vacancy occurring in his staff, brevet any person to fill said vacancy, or he may appoint a brevet officer to any company of his regiment which may be without company officers in consequence of death, resignation, disqualification or other cause;—*Provided*, that he said commanding officer shall immediately thereafter, notify the Governor and Council of the same, and such brevet officer shall have and exercise all the powers incident to his office in as full and ample a manner as if he was commissioned, until he shall be superseded by a commissioned officer.

Grade of of-  
ficers

68. *And be it enacted*, That all staff officers shall rank agreeably to the regulations of the army of the United States, and may be taken from the line without impairing their rights in the same.

Band of mu-  
sic.

69. *And be it enacted*, That it shall and may be lawful for the commanding officer of each regiment to form and organise a band of musicians for his regiment, and to prescribe and alter whenever it shall appear to him proper, the uniforms of the same, and each and every person belonging to said organised 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 instead of serving as privates therein; and at the division review and regimental parades 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 after each of said meetings, which shall in like manner, and at the same time as is prescribed in this act for other absentees be handed over to the court of appeal for the trial of the appeals of company officers, 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 summoned, with their instruments of music, they shall be liable to such penalties and forfeitures, to be remitted or collected and distributed in the manner as is provided for in the case of non commissioned