

CHAP. 228

Judge advocate
may be appointed

Fines, how to be
recovered.

Cavalry subject to
the penalties of
this act.

First Marine Artillery.

Proviso.

Company consist of
any number.

68. AND BE IT ENACTED, That the officer appointing any court martial under this act, may, if he deem it necessary, appoint a judge advocate to such court, who shall have and exercise the powers and duties incident to such appointment.

69. AND BE IT ENACTED, That all fines imposed by this act, or arising from any of its provisions, or from the by-laws of any company, made in pursuance of the same, shall be recovered in the name of the state, in the like manner, and before the same persons, as small debts are by law recovered, and when collected shall be paid over to the persons by this act authorised to receive the same, and the copy of the sentence of any court martial imposing fines, certified by the president of such court, shall be conclusive evidence that the fines therein stated, have been incurred.

70. AND BE IT ENACTED. That the several provisions of this act for enforcing attendance at parades, obedience to orders, or requisitions of the civil authority, and reports to be made of men and arms, and the restraining improper or disorderly conduct in officers or others, the preservation of arms belonging to the state, the enforcing of penalties under company by-laws, and collection of fines, shall prevail and be enforced in the cavalry attached to the third brigade, in the like manner as with the other militia thereof; but the fines incurred by company officers and privates, shall be applied, under the direction of the commanding officers, to the uses of the company to which they belong, and when collected, shall be paid over to such person as the commanding officers of the company shall appoint; and all other fines shall, when collected, be paid over to the paymaster of the regiment, and applied to regimental purposes, under the direction of the commanding officer thereof.

71. AND BE IT ENACTED, That the artillery company in the city of Baltimore, called The First Marine Artillery of the Union, commanded by Captain George Stiles, and composed of masters and mates of vessels, sea faring people, not liable to militia duty, shall be and hereby is confirmed and continued as an independent company, to be attached to the third brigade, with power to pass and enforce by-laws and regulations for enforcing discipline and the attendance of its members, the election of officers, times and places of meeting for training, the purchase, repair, and safe keeping of arms, guns, ammunition and equipments, and the collection of fines; *Provided*, that no persons but the masters and mates of vessels, belonging to the city of Baltimore, or persons not liable to militia duty, shall be members of the said company, and that the said company shall not be liable to militia duty, except when it shall be called into actual service by the president of the United States, the officer commanding the third division, or the officer commanding the third brigade of the militia of this state, in the cases where by the constitution and laws of the United States, or of this state, the said president or officers shall be respectively authorised to call out for actual service the militia composing the said third brigade.

72. AND BE IT ENACTED That the said company shall consist of any number of persons of the descriptions mentioned in the preceding section, or any of them; and that the governor and council shall from time to time commission the usual officers for the said company, as vacancies may occur; provided that no such commission shall be granted to any person not previously recommended by the said company.