

CHAP 182. duty of a musician at such parade, and of his captain's or commandant's consent thereto as aforesaid, shall be a sufficient cause to remit any fine which he may have incurred by reason of his absence from the parade of the company to which he belongs, on the day on which he was so acting as a musician as aforesaid.

Persons above the age of 18 may join uniform companies—Powers of said companies specified.

Proviso.

38. AND BE IT ENACTED, That it shall and may be lawful for any person above the age of twenty-one, or between the age of eighteen and twenty-one, with the consent of their parent or parents, guardian, master or mistress, to join any uniformed militia company willing to receive him as a member thereof, whenever the same may be formed within the regimental district; and a majority of any such uniformed militia company shall have power to determine and declare, what and how many days of training they will have throughout the year, over and above the days herein before appointed for their exercise and training, notice whereof shall be given to such company, by the commanding officer thereof, and to impose and inflict such fines and penalties on any member of such company who may refuse or neglect to attend on such stated days of meeting as may be fixed and agreed on by the by-laws of such company; *Provided*, that no fine or forfeiture for any one violation of the provisions of this section, shall exceed ten dollars; which fines and penalties shall be collected by a constable, or other fit person appointed for that purpose by the commanding officer of the company, in the following manner, to wit: The said constable, or other person, shall, once in every month, furnish to each member of said company, an account signed by the commanding officer of the company, of the fines and forfeitures by such person due, stating the same as due and payable to the person commanding said company, and in case such fines or forfeitures are not paid within twenty days thereafter, it shall and may be lawful for said constable, or other person, to apply to any justice of the peace where the person owing such fines and forfeitures may reside, who shall thereupon issue a warrant in debt, in the usual form, in the name of the commanding officer of such company, and the same proceedings for the recovery of such fines and forfeitures shall be had, as are had and used in the recovery of small debts; and the by-laws of such company may impose any fine, not exceeding fifteen dollars, on any person withdrawing from such company without the consent of the commissioned officers thereof, or a majority of them, to be recovered as aforesaid; which said fines and forfeitures shall be appropriated agreeably to the by-laws of such company.

Organization of companies.

39. AND BE IT ENACTED, That whenever a number of men, not less than forty-eight, shall have associated and formed themselves into a uniform company, agreeably to the provisions of this act, they shall make a return thereof to the commandant of the regiment or extra battalion in whose district such association is formed, who shall thereupon inspect, or cause his adjutant to inspect the same, and on its appearing that they have conformed to the law, he shall forthwith apply to the governor and council for commissions for proper persons to command said company, and also forward the requisite certificate to the governor and council, who shall thereupon transmit an order to said commanding officer, directed to the armourer of the nearest arsenal to the said company, where