

is not able to pay the fine hereinafter provided, it shall be the duty of the said Commissioners to exempt such person from the performance of the said labor.

Sec. 4. *And be it enacted*, That the road supervisors may make such commutation of labor for teams and carts or wagons as they may deem proper. Commutation.

Sec. 5. *And be it enacted*, That every person liable as aforesaid to labor on said road who shall fail to obey the summons of the road supervisor or furnish a substitute shall, upon demand made by said supervisors, pay to said supervisor the sum of one dollar and fifty cents for each and every day he shall fail to perform such labor, and the said supervisor shall collect and account under oath to the County Commissioners for all sums of money so collected, and shall apply the same under the directions of the said County Commissioners, to hiring laborers to work on the public roads, and shall pay over to his successor, upon the order of County Commissioners, any surplus that may remain in his hands, and the said supervisor shall make a report once in three months of the money received and expended to the Commissioners of the county. Penalty for non-compliance.

Sec. 6. *And be it enacted*, That any person failing to obey such summons made as aforesaid, and refusing upon demand made as aforesaid to pay to said supervisor the said sum of one dollar and fifty cents shall be guilty of a misdemeanor, and shall upon complaint made by such supervisor be liable to be arrested and brought before some Justice of the Peace of said county, upon a warrant to be by said Justice issued in the name of the State therefor, and shall, upon proof of such summons and failure to obey the same and refusal to pay said sum of one dollar and fifty cents, be fined to an amount equal to said sum of one dollar and fifty cents, and all cost of such proceedings before said Justice, including the pay for the witnesses for the prosecution, and the said Justice, in order to enforce the collection of said fine, shall have the power to issue an execution upon the judgment therefor and to make it a part of said judgment and the party against whom any such judgment Declared guilty of a misdemeanor.