every year on the public roads in the road district in
which they reside, and the road supervisors, when-
ever the public roads shall need repairs, shall sum-
mon all such persons in his district, or such number
of them as he may deem necessary to make such
repairs, by giving at least two days notice of the
time and place of meeting and what tools they must
furnish; *provided*, that no person shall be compelled Proviso
to labor more than four miles from his place of resi-
dence.

40. If any person from whom such labor on the Ibid s 3
roads may be required under the provisions of the Exemption
from laboi
preceding sections, shall make it satisfactorily appear
to the county commissioners of the county that he is
physically unable to perform the said labor and 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.

41. The road supervisors may make such commu- Ibid s. 4
tation of labor for teams and carts or wagons as he Commutation
may deem proper, and the said county commissioners
are hereby authorized to fix and establish the amount
to be allowed to the owner per day for the use of
such teams, carts or wagons.

42. Every person liable as aforesaid to labor on Ibid. s. 5
said roads, who shall fail to obey the summons of Penalty for
non-compli-
the road supervisor, shall upon demand made by ance
said supervisor 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 of the said county, for all sums of
money so collected, and shall apply the same under
the direction of the said commissioners to hiring
laborers to work on the public roads, and shall pay
over to his successor, upon the order of the said com-
missioners, any surplus that may remain in his hands.

43. Any person failing to obey such summons Ibid s 6.
made as aforesaid, and refusing upon demand made Declared guilty
of a misde-
as aforesaid, to pay to said supervisor said sum of meanor.