

every year on the public roads in the road district in which they reside, and the road supervisors, whenever the public roads shall need repairs, shall summon 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 to labor more than four miles from his place of residence. Proviso

40. If any person from whom such labor on the roads may be required under the provisions of the 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. Ibid s 3
Exemption
from labor

41. The road supervisors may make such commutation of labor for teams and carts or wagons as he 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. Ibid s 4.
Commutation.

42. Every person liable as aforesaid to labor on said roads, who shall fail to obey the summons of the road supervisor, shall upon demand made by 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 commissioners, any surplus that may remain in his hands. Ibid s 5
Penalty for
non-compliance.

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