

amount to be allowed to the owner per day for the use of such teams, carts or wagons.

Ibid. s. 5.
Failure to obey
summons.

44. Every person liable as aforesaid to labor on the said roads, who shall fail to obey the summons of the road supervisor, or furnish a substitute, shall upon demand made by said supervisor, pay to him the sum of one dollar and fifty cents, 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 said county commissioners, to hiring laborers to work on the public roads, and shall pay over to his successors upon the order of the county commissioners any surplus that may remain in his hands; and the said supervisor shall make a report once in every three months to the county commissioners of the money received and expended by him.

Fine

Ibid. s. 6.
Penalty

45. Any person liable to labor on the said roads as hereinbefore provided, who shall fail to obey any summons made as aforesaid, or to furnish an acceptable substitute, and who shall refuse upon demand made as aforesaid to pay to said supervisor the sum of one dollar and fifty cents, shall be deemed guilty of a misdemeanor, and shall upon presentment, indictment and conviction thereof in the circuit court for Howard county, be fined a sum not exceeding ten dollars, and shall be liable for all costs of prosecution, and shall be committed to the county jail until such fines and costs are paid; *provided*, that when any party committed to jail under the provisions of this section shall have remained in jail for the space of ten days, such party may be discharged therefrom by the order of the court ordering the commitment; and all such fines shall be paid to the county commissioners of the county aforesaid, to be by them applied for the purpose of repairing the public roads in said county, and the judges of the circuit court for Howard county, shall give this act in charge to the grand jury of the county at each term of said court.

PROVISO.