

and any other matter touching the road service in his district ; and if any road supervisor shall fail wilfully to file such report with the said commissioners within ten days from said time respectively, his said office shall, if so *facto*, be vacated, and the said county commissioners shall immediately proceed to appoint some other person in his stead.

When vacated

SEC. 9. *And be it enacted*, That any person who shall fail to obey the summons of the road supervisor shall be guilty of a misdemeanor, and, upon complaint made by the supervisor of the district in which he resides, shall be arrested and brought before any justice of the peace of the county upon a warrant to be issued by said justice, and upon proof of such summons and a failure to obey the same, shall be fined not less than one dollar and a half nor more than five dollars, and all costs of such proceeding, and stand committed until such fine and costs are paid ; and all fines collected under this section shall be paid to the supervisor making said complaint for the use of the road in his district, provided that any person upon being summoned by the supervisor may furnish a substitute, or pay to the supervisor one dollar for each and every day he may be summoned to work ; and provided further, that if it shall appear upon examination before the said justice of the peace that the party so brought before him was at the time he was summoned to work physically unable to perform said labor, and was also without pecuniary means and unable to pay the sum of one dollar, then the said party shall be discharged ; provided also, that any person convicted under this section may appeal to the circuit court for Somerset county.

When guilty of a misdemeanor.

Fine for failure to obey.

SEC. 10. *And be it enacted*, That each supervisor, as his full compensation, shall receive two dollars per day for each and every day of eight hours each he may be actually employed in clearing, smoothing and repairing the roads as required by section two of this act, and also ten cents for each person summoned as aforesaid, provided the number so summoned shall not exceed ten persons at any one time ; and shall be required by the county commissioners to give

Compensation of supervisor.