

prisoner over sixteen years of age who may be convicted of any of the offenses enumerated as above, shall be subject to perform hard labor for and during the period of his imprisonment, on the public roads of Somerset county, or on the public streets of any incorporated town in said county; provided, that during the employment of such convict on the public streets of any incorporated town, the town authorities of such town so employing such convict shall be charged with the expense which may attend such employment.

See sec. 382.

1894, ch. 454, sec. 252.

387. The hard labor provided for in the preceding section shall be performed, if within the corporate limits of any incorporated town, under the supervision and direction of the town commissioners and bailiff of such town, and if on the public roads of Somerset county, then under the supervision and direction of the County Commissioners, or the road supervisor of any district who may be authorized by the County Commissioners to work the same; and the sheriff of Somerset county, upon the demand of any bailiff, supervisor or other persons duly authorized to make such demand, is hereby authorized and required to deliver such prisoner to the party so making the demand and entitled to receive the same, whenever and at such times as he may be so legally required; and the labor to be performed by such convict may include every service necessary for the purpose of draining, grading, shelling, paving or repairing such public streets or other highways of Somerset county, within or without the limits of any incorporated town therein.

1894, ch. 454, sec. 253.

388. The officer or other person having such prisoner in charge, shall have power and authority to compel such labor, and shall be responsible for the safe keep and return to prison of such convict to the custody of the sheriff at the end of each day's labor, which day's labor shall be within the discretion of the officer or other person so supervising at the time, but shall not exceed ten hours' work or labor for any day he may be so employed; and any prisoner so convicted and sentenced, who shall refuse to perform the labor required of him, shall incur the penalty of two days' additional imprisonment for every day he may so refuse, and this provision shall be included in the sentence of the court or justice by whom the same may be rendered; but no prisoner shall be compelled to perform such labor whose health is not in a condition to allow the same, and the certificate of the physician to the jail or other physician in said county, shall be sufficient to excuse such labor.

See sec. 384.

1894, ch. 454, sec. 254.

389. If any officer or other person having such prisoner in charge for the performance of such work or labor, connive at or, by his wilful neglect, permit the escape of any such prisoner, he shall be guilty of a misdemeanor,