

an incorporated town, shall be compelled to labor in repairing the roads at least two days in every year; and every man owning horse or ox team, shall be compelled to labor in repairing the roads at least three days in every year; provided, that nothing herein contained shall prevent any one from employing a substitute to labor on the roads, or from paying to the road supervisor seventy-five cents per day for each day he is summoned to labor; and provided also, that the road supervisors shall be authorized and empowered to call out said residents for such additional days' labor as they may find necessary to keep the public roads in order.

1880, ch. 451.

269. Whenever the said supervisors or their deputies shall deem it necessary to call upon said individuals for their labor upon the roads, they shall summon them, giving at least three days' notice of the time and place appointed for their labor, except in such extraordinary cases as may require shorter notice; and if any person being summoned shall neglect or refuse to attend, with proper implements to do the work, or to provide a substitute, or to pay on demand by the supervisor, his agent or deputy, the sum of seventy-five cents per day for each and every day he is summoned to work, he shall be deemed guilty of a misdemeanor; and the supervisor shall keep a list of all delinquents, and report the same to a justice of the peace of the election district in which he is supervisor.

1878, ch. 477.

270. The justice to whom such list shall be reported shall issue his warrant in the name of the State for every person so appearing to be delinquent, to be directed to some constable of the district, directing him to bring said delinquent before him for trial; and if upon trial it shall appear that said delinquent failed to appear at the time and place appointed by the supervisor, his agent or deputy, with proper implements for work, unless prevented by sickness or wheat harvest, or appearing, refused or neglected to perform reasonable labor, and has not furnished a substitute or paid the supervisor, his agent or deputy as aforesaid, the justice shall fine each delinquent the sum of seventy-five cents and costs for each day's delinquency, and shall order the