

abated, and all obstructions in the streets, lanes and alleys, to be removed at the expense of the person who caused such nuisance or obstruction; may cause the streets, lanes and alleys to be straightened and widened, whenever the proper width thereof, in their opinion, is obstructed by the projection of any house thereon, and may require the said house to be removed, either by the owner thereof, or in case of his refusal or neglect to remove the same, after sixty days' notice, to be personally served on him, or left at his usual place of residence, in said town, then, in that case, by such person as the said commissioners may appoint to remove the said house; and thereupon the said commissioners shall cause the damages which such owner may have sustained by reason of said removal to be ascertained, either by agreement with said owner, or upon a failure to agree thereon, by two disinterested persons, to be mutually chosen by the said commissioners and the said owner; and in case the said owner shall refuse to select a disinterested person as aforesaid upon ten days' notice given to him by the said commissioners, then the said commissioners shall proceed forthwith to select two disinterested persons; and in case the said persons shall fail to agree upon and ascertain the amount of such damages, they shall select a third person as umpire, whose award, or that of any two of them, certified in writing under their hands and seals, shall be final; and the said commissioners shall thereupon levy and assess upon the taxable property of said town, and cause the same to be collected and paid to the parties entitled thereto, the said damages and all costs which may arise or become due and payable by reason of the removal of the said house, and the straightening and widening of said streets, lanes and alleys; and they may also cause the streets, lanes and alleys of said town to be paved, and may further cause a register to be made and kept, and from time to time corrected, of all persons entitled to vote in said town.

1872, ch. 405.

53. If the damage sustained by any person, by making the improvements provided for in the preceding section, cannot be ascertained in either of the modes therein provided, the said commissioners may make application to any justice of the peace of said county, who shall thereupon issue his warrant, under his