

least two days in each year, and as much oftener as they may deem necessary, not exceeding four days in one year; and if any person as aforesaid, after having been summoned in writing one day previous to the day appointed by the bailiff for working on the streets, shall fail to appear or provide some one in his stead, he shall, upon conviction before a justice of the peace, be fined seventy-five cents, and shall be required to pay the costs of said conviction; and the bailiff shall receive for his services under this section, not exceeding one dollar per day that he is actually engaged in working on said streets.

1878, ch. 443.

251. Whenever they shall pass an ordinance to open, widen or alter a public street, they shall immediately appoint three examiners, who shall be voters and freeholders in said town, who, after giving two weeks' notice of their appointment and their place of meeting, shall go upon the streets so proposed to be opened or widened or altered, and shall cause the same to be surveyed and located by a competent surveyor, and shall estimate the damages to the persons over whose land the proposed street passes, or whose land is in any way affected by the proposed opening, widening or alteration, and shall return an account of their proceedings, under their hands, to the said commissioners, who, before actually opening, widening or altering any street, shall pay, or tender to the person, his agent, guardian or representative, the amount of damages so awarded; and if any person shall feel himself aggrieved by the award of the said examiners, he may take an appeal to the circuit court for Worcester county, within sixty days after said award is returned by the said examiners; and the said commissioners shall thereupon file the said return in the office of the clerk of the circuit court for said county, and the said court shall, at its next term thereafter, hear and determine upon the said award, and may either reduce or enlarge the damages so assessed, or affirm the said award; and upon such appeal, either party shall be entitled to a trial by jury; but nothing herein shall prevent or hinder the said commissioners from opening, altering or widening any public streets, lane or alley, with the consent of the owner of the land which shall be taken for said purpose, and to agree with and pay the said owner a reasonable sum therefor.