

to exercise of the powers granted in this section, and may exercise all such other and incidental powers and acts as may be necessary for the exercise of the powers herein conferred upon them; provided further, that all such damages shall in all cases be paid to the respective parties or their guardians, agents or attorneys, or their personal representatives, before any such highway, road, street, lane or alley shall be opened, widened, straightened, changed or closed, or any subway shall be constructed as hereinbefore provided. None of the proceedings herein shall be held to be invalid because of neglect of compliance with matters of form; provided, it shall appear that the substantial requirements herein are essentially complied with, and that no injustice has been done to any of the parties because of non-compliance with such matters of form; and provided further, that the said commissioners shall have the same powers as to cutting across streets or highways and into adjacent lands for the purpose of draining that are now passed by the County Commissioners or supervisors of roads for said county.

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116 g. The said commissioners are hereby authorized and empowered to borrow money for the purpose of public improvements in said town, at a rate of interest not exceeding five per centum per annum, in such sums as they may deem proper, in their discretion, not to exceed in the aggregate one thousand dollars; all of such sums to be payable at such time as the said commissioners may agree upon with the lenders, not to exceed in any event five years, and to issue therefor, in their discretion, certificates of indebtedness, promissory notes or bonds in such amounts as they may determine upon, to be signed by the president of said commissioners and attested by their clerk. The interest on such indebtedness shall be payable annually, and said notes, bonds or certificates of indebtedness, as the case may be, shall not be sold for less than their par value, and shall be exempt from State, county and municipal taxation.

Authority to
borrow
money, etc.

116 h. Any person who shall remove, cut down, tear down, or otherwise destroy any fence, or any part thereof, or structure used for the purpose of a fence, or any part thereof, upon the premises of another, bounding the lands of another, along any public street, highway or alley, or any contemplated street, highway or alley in said town, whether the same be properly located or not, provided it be not located upon land owned by and in the possession of the party committing such act, or his tenant or agent, shall on conviction pay a fine of not less than fifty, nor more than two hundred dollars, for every such offense, and upon failure to pay the same, together with the costs of prosecution, shall be com-

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