

1908, ch. 733. 1920 Code, sec. 20.

21. The Mayor and Council of Berlin shall have full power and authority for laying out, opening, widening, extending, straightening out and closing up, in whole or in part, and for the grading, regrading, for shelling and reshelling, for paving and repaving, curbing and recurbing, and for repairing and keeping in good and proper condition and order for travel, traffic and other uses the streets, lanes, alleys and thoroughfares within the corporate limits of said town, whenever in their judgment the public welfare and convenience require any such action on their part. For laying out, opening, widening, extending, straightening out and permanently closing up the streets, lanes, alleys or thoroughfares of the town or any of them, provision must be made by ordinance. The Mayor and Council shall have full power and authority, by order noted on the minute book, for temporarily closing up or obstructing wholly or in part any of the streets, lanes, alleys and thoroughfares of the town whenever, in their opinion, circumstances call for or justify such action; and if the occasion for closing up or obstructing any street, lane, alley or thoroughfare is urgent, the Mayor may in writing authorize the policeman to close up or obstruct the same, or to allow the same to be closed up or obstructed until the decision of the Mayor and Council may be obtained, but such temporary closing up or obstruction shall not continue longer than circumstances make necessary. Whenever the Mayor and Council shall by ordinance order the opening of a new street or alley or the widening or straightening of any existing street or alley, or the construction of any park, public square, sewer, wharf, market house, engine house, city hall, or for any other public improvement, provided they are authorized to make such public improvement, the Mayor shall, by voters and freeholders of the town, not officeholders who, together with the Mayor and President of the Council shall constitute a commission to examine and report on the proposed improvement; and if the said commission or a majority of them shall certify to the Mayor and Council that any land, material or other property belonging to any person or corporation or the removal thereof, is necessary or convenient for the construction of the proposed improvement, then the Mayor and Council may condemn such property, or may agree with the owner or owners thereof for the purchase, use, occupation or removal of the same, and if they cannot agree, or if the owner or owners, or any of them be an infant or *femme covert*, who is not possessed of the property to her sole and separate use, or authorized to contract with reference to the same, *non compos mentis*, or out of the town when such property may be wanted, or for any cause be legally incapable of contracting, application may be made by the Mayor to any one of the Judges of the Circuit Court for Worcester County, who shall thereupon issue his warrant to the Sheriff of the County, requiring him to summon a jury of twelve qualified voters of said town, above the age of twenty-one years and qualified to act as jurors under the laws of this State, and not related to the parties, nor in any wise interested, to meet on the lands or near the material or other property, wanted for the proposed improvement on