

CHAP. 549

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 and with the consent of the Council, appoint three of the legal 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 proposed improvement; and if the said commission or 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 *feme 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 twenty qualified voters of said town, above the age of twenty-one years and qualified to act as jurors under the laws of this State, not related to the parties, nor in any wise interested, to meet on the lands or near the materials of property wanted for the proposed improvement on a day named in said warrant, not less than ten nor more than twenty days after issuing the same; and if, at the said time and place, any of the said jurors summoned do not attend, the sheriff shall immediately summon as many persons similarly qualified as, together with those in attendance, shall make up twenty, and from the panel each party, his, her, its or their agent or attorney, or if either party be not present in person or by agent, or being

Commission
appointed.Jury
summoned.