

CHAP. 108

posed in laying out, opening, widening, extending or straightening, in whole or in part, any street, lane, alley or market space or square, or in establishing any building line or the width of any sidewalk, or in making any addition or extension to the basin or harbor, or to the public wharves or docks, that a portion only of a lot or of a lot and improvements shall be taken, used or destroyed, and the owner or owners thereof shall claim to be compensated for the whole, the said commissioners may in such cases, if they deem it best, and not otherwise, accept a surrender in writing of the whole of said lot, or the whole of said lot and improvements, or the whole of said improvements, if any, from said owner or owners; in which event the said commission shall ascertain the full value thereof, as if the whole lot or lots and improvement or improvements, as the case may be, were necessary to be taken and used for such proposed object; and the whole amount of such valuation, when finally decided on, shall be paid or tendered the said owner or owners before any part thereof shall be destroyed, removed or used, unless such owner or owners shall assent thereto in writing as now provided for by law; and the said commission, after giving ten days' notice in two of the daily newspapers of the city of the time and place, manner and terms of sale, shall sell by public auction to the highest bidder, or shall sell at private sale in its discretion, the materials of any building or buildings, or the debris thereof which it shall be necessary to remove in whole or in part, and also the residue of any lot of which a part shall be taken and used to effect the object confided to the commission, and which residue shall have been with the consent of the commission aforesaid surrendered by the owner aforesaid, said purchase money to be paid when full possession shall be given of the property or materials or debris so sold; and the said commission, or a majority of the members thereof, on receiving the purchase money aforesaid, and not before, shall, by a good and sufficient deed, convey the lot or lots of ground by them so sold to the purchaser, but no such sale shall be made until after the commission have assessed the entire amount of damages for taking said property and it shall have been paid or tendered to the proper party or parties, or invested or paid into court, as by law required, nor until the said commission is able to give possession to the said purchaser or purchasers

Claims of owners of portion of lots.

Sale of lots and material on them.

Assess the entire amount of damages.