

CHAP. 292

Just compensation given when private property is taken for improvements.

for the property to be taken, and to make assessments to pay for the same. The town clerk shall then issue a notice under his hand and the seal of the town, which shall give the names of the owners, at the date of the ordinance, of the property to be taken; shall state the date and purpose of the ordinance, and shall state that their property will be taken for the purpose specified in the ordinance, and that commissioners will be empanelled to ascertain said compensation, and on the day and at the place fixed by the Mayor or member of the Council, as the case may be; said notice shall be served by the bailiff by delivering to such owner a copy thereof or by leaving such copy for such owner at his usual place of abode with some member of his family over the age of fifteen years. Corporations shall be served with such notice in like manner as with summons in ordinary civil action. If service cannot be made on all or any of the parties aforesaid within the town the return shall so state and be *prima facie* evidence of the facts stated therein, whereupon said notice shall be published once a week for three weeks before the day for the sitting of said commissioners in some newspaper having a general circulation in said town; an affidavit of the publisher of said notice shall be evidence of the facts; service of the notice shall be made at least six days before the commissioners meet; it shall be sufficient to bring in the owners of and all persons claiming any interest in the property affected by such proceedings who may be the owners or be interested therein at the time the ordinance providing for the improvement takes effect, and all parties claiming or holding through or under such owners or persons interested shall be bound by such proceedings. (c) The commissioners shall ascertain the just compensation to be paid, as follows: First, for each piece of property taken where the public use thereof shall be such that the town must have exclusive possession thereof, the actual value of the property taken; second, for each piece of property taken when the public use thereof may be such that the town need only have such possession and control as will not wholly exclude the possession and beneficial use thereof by the owner, the actual damage from the public use specified in the ordinance. To pay such compensation the commissioners shall assess against the town the amount of benefit to the town and public generally. Parties interested may submit evidence to the com-