

government and regulations of the town affairs as they deem necessary and proper.

28. Whenever the Council shall, by ordinance, provide for establishing any public park, or for establishing, opening, widening, extending or altering any street, avenue, alley, route for sewer or water pipes, for constructing water works or for carrying out any other powers granted by its charter, and it becomes necessary to take private property for such public use, just compensation shall be paid to the owner or owners thereof, which shall be ascertained and assessed by six disinterested commissioners, who shall be qualified voters of the town, and who shall be selected by the Mayor; such proceedings shall be conducted by the Mayor, or in his absence or inability to act, or in case he is interested, then by some disinterested member of the Council designated by the Council, and while in the discharge of such duty the person conducting the same shall have and exercise the powers of the Circuit Court for the preservation of order and enforcing process issued in the course of the proceedings, and may summon and compel the attendance of witnesses and jurors, preside at the investigation, pass on the competency of evidence, and instruct the commissioners as to the law. When any ordinance shall provide for taking private property for any public use, it shall describe said property. The Mayor or member of the Council designated, as above provided, shall thereupon appoint a day and place for empanelling the commissioners to ascertain the compensation 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 empaneled 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 or town clerk 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 can not 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