

commissioners to visit the land and view it if the members of the board are already familiar with the tract in question, and inspection would not add to the information already in their possession; but if personal inspection is necessary, the members of the board are entitled to the mileage and per diem allowed them as when engaged in other duties imposed by law upon them.

May 8, 1933

You have submitted the following for an opinion of this office:

"1. Is it necessary for them to make a personal visit to the land and actually look it over in order to appraise it, or can they appraise it from information which they have in their possession?"

"2. In case they do go upon the land and view it, what compensation will they be allowed?"

In reply to No. 1: Boards of county commissioners have broad, discretionary powers in the performance of duties imposed upon them where the statutes do not provide exact procedure. In appraising lands as directed by Chapter 65, Laws of 1933, if the board members are already familiar with any certain tract of land upon which it is necessary for them to place a value, and inspection would not add to the information already in their possession, inspection would not only be useless, but a needless waste of public funds, but to appraise any property necessarily assumes knowledge possessed by the appraisers.

Appraisers, under the Eminent Domain Act, must examine the lands appraised. Section 9944 R. C. M. 1921. Appraisers of estates under the probate laws must appraise property "exhibited" to them. Section 10131 R. C. M. 1921. Appraisers of homesteads are presumed to view the premises. Section 10153 R. C. M. 1921.

An appraisement is defined: "An appraisement denotes the valuation of goods, and chattels or real estate by \* \* persons of suitable qualifications, fair, impartial, and disinterested, **having knowledge of the property**, and with intelligence to ascertain its value after **inspection and inquiry.**" Words & Phrases, Vol. 1, 2nd Series, page 254.

Replying to question No. 2, when any duty is imposed upon a public official,

**Opinion No. 198**

**County Commissioners—Appraisement  
—Lands—Mileage—Per Diem.**

HELD: In appraising lands as directed by Chapter 65, Laws of 1933, it is not necessary for the board of county

the law implies that he shall have such compensation as is provided by statute, and if personal inspection by the members of the board is necessary they would be entitled to the mileage and per diem allowed the same as when engaged in other duties imposed upon them.