

**§705. Appointment of commissioners; appraisal of damages**

If the issue is decided in favor of the plaintiff, or if the defendant is defaulted or does not answer or show any legal objection to the proceedings, the court shall appoint 3 or more disinterested commissioners of the same county, who shall go upon and examine the premises and make a true and faithful appraisal, under oath, of the yearly damages, if any, done to the plaintiff by the flowing of the plaintiff's lands or the diversion of the water described in the complaint, and determine how far the same is necessary, and ascertain and report for what portion of the year such lands ought not to be flowed, or water diverted, or what quantity of water must be diverted. They shall ascertain, determine and report what sum in gross would be a reasonable compensation for all the damages, if any, occasioned by the use of such dam, and for the right of maintaining and using the same forever, estimated according to the height of the dam and flashboards as then existing. If within 10 days after the report is presented to the court, the owners of the dam or mills elect to pay the damages in gross, the court, where the judgment is entered, shall fix the time in which the damages must be paid, and if not paid within that time, the owners of the dam or mills lose all benefit of their election, and the annual damages stand as the judgment of the court, and, except as otherwise provided, all proceedings must be in conformity with the other provisions of this chapter. [RR 2021, c. 2, Pt. B, §249 (COR).]

**SECTION HISTORY**

RR 2021, c. 2, Pt. B, §249 (COR).

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