

inaccessible or more than six miles from the barn by way of the nearest underpass. I placed damages on this farm at \$44,000. The negotiators offered them \$28,000, they took it to court, asking somewhere around \$60,000 according to my recollection and after the whole period of litigation was completed the judge awarded the man exactly what I had previously indicated was a just and fair figure. In another instance, where route 17 was being widened west of Horseheads, New York, we put an appraised value of the land and the damages at \$55,000. The owner was offered \$28,000. The owner sued for \$75,000 and the judgment of the court was \$55,000.

The foolishness of this is all the more apparent when the procedures which precede a trial in the Court of Claims are known. Not only is the regular appraisal used, but it is also necessary to develop a "book" of appraisals of comparable property which was sold in the area during a representative recent period. This then means that all these other properties have to be appraised and compared to the one which is the subject of adjudication. This is obviously an expensive process, running from \$3,000 to \$10,000, to say nothing of the cost to the federal and state governments for their lawyers and the time consumed by the courts.

The injustice of this is that the final figure which is awarded to the plaintiff, when it is the same as has been already determined by the appraisal, still is less than it should be because in the case of the difference between \$28,000 and \$44,000, then a lawyer was paid a third of this which would be \$5,333 which is the loss that the individual farmer had to take in order to get his claim satisfied. He gained twice this amount but he still came out \$5,333 under what he should have received.

In another case, I put an appraised value of damages at \$42,000 including the value of the land. This went into court and was settled before the trial at the maximum figure which was permissible which was the appraisal plus 10%. Again, in this case, the farmer lost a third of the increase over the original offer.

This situation is bad enough, but consider what happens when the claim is relatively small, say under \$10,000. If we had put in an appraisal for \$10,000 and the negotiators had offered only \$6,000 or \$7,500, then the amount that would be adjudicated is too small for a lawyer to assume this responsibility on a contingency basis. In other words, the plaintiff has to guarantee a payment of a certain amount and this is on a risk-all basis because there is always a possibility that the court would not increase the amount that had been offered. This, to all intents and purposes, locks out of the courts the very people who most need assistance, for the simple reason that they do not have the money or dare not risk the money if they do have it for this kind of a court case. Therefore, the negotiators are prone to go to these people and make them a flat offer on a take it or leave it basis, or rather on a take it or take it to court basis.

For the poor and the elderly and the infirm, the threat to take it to court simply scares them into signing away their property without just compensation as is guaranteed by the Constitution for these cases.

I well remember one instance where a lady of eighty-four years of age, a widow woman, with very limited resources and on limited social security, lived in a little house of three rooms up a bank from the road but which still had a roadway available to get the coal trucks up to discharge their cargo into the coal bin and as access to the house. The taking line was at the bottom of her front steps.

This in turn raises another question which is not covered by this legislation and that is the irregularity of the takings which are sometimes surveyed to avoid touching a building, because if they take six inches of it they must pay for the whole building. I have seen instances where a straight line would have gone 15 ft. through the house and when they came down to this residence itself, they would veer off to the right or left as the case would be and missed the property by a couple of feet on two sides and then resume their straight line which leaves the property extremely undesirable for any kind of purposes, unless it would happen to be on the back side of a business property where the excess land was never used. These tactics are reprehensible to say the least and down right dishonest to say the most.

In the case of this elderly lady, she was left with 28 steps up to her front steps which were probably another 7 or 8 which she had to climb before she could get into the house. The roadway which had been available to her for the purpose of discharging the coal that she used to heat her house was de-