

Mr. CLAUSEN. There is no established period of time?

Mr. MARQUIS. They are separately appointed in each case, technically speaking, but most of the courts simply name the same Commissioners and, in effect, provide a commission panel of three members and those Commission members are appointed in each case as a matter of course unless and until one should resign, or the courts should decide to appoint different Commissioners.

Mr. CLAUSEN. How are they compensated?

Mr. MARQUIS. They are compensated at a very low level, \$30 per day plus per diem for subsistence.

Mr. CLAUSEN. From what background do these gentlemen come?

Mr. MARQUIS. Nearly all of the Chairmen of the Commissions are lawyers and the other two members are usually farmers, businessmen or real estate men.

Mr. CLAUSEN. Are they practicing attorneys?

Mr. MARQUIS. The chairman is almost invariably a practicing attorney.

Mr. CLAUSEN. That is all.

Mr. JONES. Mr. Schwengel?

Mr. SCHWENGEL. You say here that the Commission is not required to make a detailed finding. They simply give a valuation to the court. That is the general practice of it, they do not transcribe the testimony.

Mr. MARQUIS. I apparently have not made that very clear, Mr. Schwengel.

At every hearing of this sort there is a court reporter. The testimony of the witnesses is taken down and at the conclusion of the case the Commissioners, who have viewed the property and who have heard the testimony and will have made full notes, are in a position to immediately hand down their award. If that award is satisfactory to both parties, that establishes the dollar amount of compensation which TVA pays and the record is never transcribed.

If either party appeals from the Commission's award, the record which has been made by the court reporter is then transcribed and used in the appeal.

Mr. SCHWENGEL. I am amazed, Mr. Chairman, to hear this because in all the court procedures I know of this does not occur.

Mr. JONES. Well, I think one thing should be pointed out, Mr. Schwengel. In these hearings by the Commission, even though the proceedings are recorded as Mr. Marquis pointed out, if there is an exception filed in the court, it is tried de novo. Even those facts which were not presented at the original hearing may be presented to the court. You enlarge the scope when exception is taken, and evidence that may not have even been disclosed at the preliminary hearing may be presented the Commission cases decide exactly like a judge in the court. No justice carries a stenographer around with him you know and if appeal is taken, then it goes de novo. All facts and all pertinent material can be added.

Mr. SCHWENGEL. Mr. Chairman, I think the testimony said he may take—it said they may take additional testimony. It does not say it is required.

Mr. MARQUIS. That is correct.

Mr. SCHWENGEL. I also make this question on the fact that you are not required to make a detailed finding and conclusion.