

without even seeing the land that he must place a value on, is expecting a great deal from a juror.

Mr. SCHWENGEL. I cannot understand why we would not let the jurors see the land and let the commissioners see the land.

Mr. MARQUIS. It would mean the judge and jury would have to go out in each case, however many miles would be required.

Most of our condemnations are in rural areas removed by many miles from the place where the court sits. For the judge and jury in each case to get into automobiles to go down and see the tract, to examine the community in which that tract is situated, and to look at the other pieces of land the prices of which have been introduced in evidence, would take an incredible amount of time.

I think we would need many, many more district judges if we were to ever try that.

Mr. SCHWENGEL. I don't believe in Iowa we have any more judges than anybody else. In our system we seem to get along pretty good and you are implying here that there would be a trial by jury in every case. I do not think this is true at all. The record does bear you out on that fact. I think your argument fails.

Mr. MARQUIS. In every case where there was a trial under these House bills, there would be a jury trial if one were requested. Let me go back, if I may, to your situation in Iowa or some other State.

Of course I presume, without having any definite knowledge, that Iowa is divided up into a large number of circuits and that each circuit judge sits perhaps for a county or some other small area, whereas in the Federal court system each district judge sits for a large district covering many counties. To ask the district judge in each jury trial involving land to go out with a jury and examine the land would be an impossible burden.

Mr. SCHWENGEL. You would not have to. The application, just will not happen. You are protecting the right of a man who thinks he has a case and I do not know what the percentage is in Iowa, but probably not over 100 will ever go to a jury as it is settled out of court. But there are exceptions and I know one case in particular where it was a very small amount of land and the owner had a home and it made a difference of something like \$10,000, a substantial amount of money for a small landowner.

In this particular instance he was able to show the court that there were some factors overlooked.

Mr. MARQUIS. There is that opportunity here. Anybody who can show the court that the commissioners have overlooked anything is entitled to do so, the fact is that the court, under the TVA system, can pass, de novo, on the record, take any additional evidence it wants and go out and inspect the land and the comparable sales introduced by the witness.

Mr. SCHWENGEL. He is being tried by people for whom he has no right to veto.

Mr. MARQUIS. The judge selects them in the first place, sir.

Mr. SCHWENGEL. The property owner has no voice.

Mr. MARQUIS. Oh, the property owner, no. Neither TVA nor the property owner has a voice in the selection of commissioner.

Mr. SCHWENGEL. In denying the commission to serve on his case.

Mr. MARQUIS. That is correct.