

Mr. SCHWENGEL. At least the trial by jury does. There is quite a difference.

Mr. JONES. Mr. Snyder.

Mr. SNYDER. Mr. Wagner, if I understand your testimony, a member of your appraisal staff sets a price and that is not a dickering figure like we say back home; is that right?

Mr. WAGNER. That is right.

Mr. SNYDER. Unless there has been an improper evaluation. That is what you say on page 2.

Mr. WAGNER. That is correct.

Mr. SNYDER. Isn't that what the whole show is about here today, whether or not there has been any improper evaluation?

If you put a value less in there, do you not open the whole thing back up again and make your testimony in this regard nil?

Mr. WAGNER. What I mean by that is that if we ourselves discover, or if the property owner says that we failed to take an element of value into account, we will reappraise the property and will, if we find elements of additional value, make a new offer.

Mr. SNYDER. In other words, if you decide to indict yourself in regard to an area then you will make another price, another pass; is that right?

Mr. WAGNER. If we have found we have made a mistake we will correct it.

Mr. SNYDER. In own own system don't you think that you can make a mistake?

Mr. WAGNER. I think that any element of land value is always a matter of judgment and somebody has to judge it.

The point of my testimony is we do not dicker over price. We do not offer a man 75 percent of what we think the property is worth. We try to make a fair and generous offer to begin with and we stick with it, and if the property owner is not satisfied with it and cannot persuade us that we have overlooked elements of value, then we go to the condemnation procedures.

Mr. SNYDER. Now, at the time you go to the condemnation procedure, the court appoints the three standing appraisers that you have been using in this area; is that right?

Mr. WAGNER. He appoints three commissioners.

Mr. SNYDER. Three commissioners, I am sorry.

Now, these commissioners hear evidence just like a jury; is that right?

Mr. WAGNER. That is right.

Mr. SNYDER. And based upon that they render a verdict.

Mr. WAGNER. They render a decision.

Mr. SNYDER. All right, a decision.

According to Mr. Marquis' testimony usually one of these is a practicing lawyer and the other two are just common, ordinary people in the community; is that correct, I mean a farmer or something?

Mr. WAGNER. The Federal district judge can select any one he wants to.

Mr. SNYDER. In other words, what you are talking about is three people that are the same composition that the jury would be drawn from.