

speculation on my part. I do not know if Mr. Pedersen or Mr. Marquis are more acquainted with it.

Mr. SNYDER. This is your condemnation procedure I take it, that if the court issues a writ to take and at some time in the future you set a price, is that what you do, is that right?

Mr. WAGNER. I will let one of our attorneys respond to that.

Mr. MARQUIS. I am not sure if this answers the question, Mr. Snyder, but when we condemn we file a declaration of taking and we pay into the court a deposit. Usually a percentage of that, 90 percent in most cases—

Mr. SNYDER. It may be withdrawn?

Mr. MARQUIS. The courts generally permit 90 percent of the deposit to be withdrawn.

Mr. SNYDER. What goes along with the withdrawal, any other rights?

Mr. MARQUIS. No.

Mr. SNYDER. Any strings on it?

Mr. MARQUIS. Well, obviously if the final judgment should be less than 90 percent of the award there are.

Mr. SNYDER. They must pay it back with interest?

Mr. MARQUIS. Presumably so.

Mr. SNYDER. And if it is more than you deposit, you don't pay interest, is that right?

Mr. MARQUIS. We do pay it.

Mr. SNYDER. You do pay it?

Mr. MARQUIS. Yes.

Mr. SNYDER. All right, now, Mr. Marquis, page 2 of your testimony you cited *Bauman v. Ross*.

Can you tell me in your experience as a lawyer any case that the Supreme Court has cited in the last 5 years that they have applied the rule of stare decisis?

I am suggesting the practice of the Supreme Court today has not followed the laws like laid down in 1897, the date of *Bauman v. Ross*. Do you agree with me or disagree?

Mr. MARQUIS. I would not want to agree or disagree, but when the Supreme Court in 1951 approved the recommendations of its advisory committee in formulating rule 71(a), which provides for commission hearings in many cases, they certainly at that time must have had the same views they expressed at the time *Bauman v. Ross* was decided.

Mr. SNYDER. Do you believe in the rule of stare decisis?

Mr. MARQUIS. Generally speaking, yes.

Mr. SNYDER. Is it your opinion as a practicing attorney—and I suppose representing this Federal agency—that you read the Supreme Court decisions that the Supreme Court follows that rule today?

Mr. MARQUIS. Well, I certainly do not feel competent to pass in generalities upon Supreme Court opinions, Mr. Snyder, nor would I wish to do so.

Mr. SNYDER. One of your complaints is that the jury system lacks uniformity, is that correct?

Mr. MARQUIS. Yes, sir, consistency is perhaps a better word.

Mr. SNYDER. All right, I thought you used the word "uniformity," but I will take "consistency."