

Building, Chattanooga. After service as an officer in World War I, I completed my legal education and received the degree of bachelor of law at the University of Tennessee in 1920. I have been continuously in the general practice of law since that date, specializing in trial work, and a member of the Tennessee Bar and American Bar Associations. I am a life member of the Judicial Conference of the Sixth U.S. Judicial Circuit, and I am a fellow in the American College of Trial Lawyers.

I have tried several condemnation suits in the circuit courts of Tennessee, in some of which suits I have represented the condemnor, and in others the landowner.

Since 1938, I have been the appointed chairman of the three-man commission for the U.S. district court in the Southern Division of the Eastern District of Tennessee. I have served in this position under U.S. District Judges George C. Taylor, Leslie R. Darr, and Frank W. Wilson.

Incidentally, Mr. Chairman, while the term "standing commission" has been referred to, I do not understand that these are standing commissions, but a commission appointed separately by the judge in each case.

It just so happens, and not through any right of previous appointment, that I have been in each case except a very few in which either myself or my firm have been interested, and have been appointed the chairman of the commission.

During the 30 years that I have served on the commission, the Tennessee Valley Authority has acquired a very large number of parcels of land. These were required for the many acres in the Chickamauga Reservoir, the Nickajack Reservoir, and in the areas of Hales Bar and Guntersville Reservoirs. The fee in other tracts has been taken for various necessary purposes of the Tennessee Valley Authority, such as substation sites, etc. Easements for new transmission lines over strips of land hundreds of miles in length have been acquired, as well as rights-of-way for location of relocated highways. Throughout this period, the many condemnation suits which were filed have been heard before the commission of which I am chairman.

I mention these facts as a background of experience upon which I base my firm opinion that the trial of these cases should be before a commission and not before a jury. My opinion is formed objectively and is not the result of any personal desire to continue to serve as a member of the commission. The pay of \$30 per day is ridiculously inadequate for the time of competent commissioners.

The fifth amendment to the Constitution provides that private property shall not be taken for public use without just compensation. Just compensation, of course, means compensation that is just and fair to both parties, the public taker and the private owner.

After the taking and the payment of just compensation, each party should be financially as well off as before. Neither should be, in any degree, richer or poorer. And to be just, the compensation paid to the owners of private property taken should uniformly approach or equal its fair market value. By its fair market value, I mean that one owner should not be awarded a lot more than the true market value, while his neighbor is awarded a lot less than true market value.