

and no waiting for a jury verdict. There are no hung juries resulting in mistrials and retrials. It takes much less time to hear the evidence.

3. The appellate procedure is simpler:

(a) No time or effort is wasted on motions for new trials. Either side, when dissatisfied with the commission's award, simply files an objection which carries the case to a three-judge court for a hearing de novo. The three-judge court is in no wise bound by the award of the commission. The three judges may also inspect the land. In a trial by a jury, the parties are bound by a jury verdict approved by the trial judge.

(b) If appealed to the court of appeals, the hearing, in a commission case, is again had de novo. The appellate court may make its own award and is not bound by the lower court's action. In a jury appealed case, the court of appeals will reverse only because of some error made below.

I do not believe there are as many appeals from a commission award as from a jury verdict.

For these reasons, I feel that the constitutional requirement that just compensation be paid for private property taken for public use is much more likely to be fulfilled when these cases are tried by a competent, fair, and experienced three-man commission than by a 12-person jury selected by chance from the public at large for each separate case. It is hard to see how the members of this astute and informed committee, or the House, as a whole, can find reasons to support a different opinion.

Thank you each for the privilege of appearing here.

Mr. JONES. Thank you, Mr. Roberts.

I happen to know that you are an excellent lawyer.

Any questions?

Mr. Snyder?

Mr. SNYDER. Thank you, Judge.

I want to say to you and to the previous witnesses who are still here I came here without any fixed opinions. I came here without any opinions as to whether there ought to be any changes or not.

I suspect my previous questions, somebody probably thought I came over here with a fixed opinion. I had not even read the bill, let me tell you. My opinion is becoming weighted to the effect that maybe we ought to have jury trials.

Judge, you said in your statement that you all view the evidence from both sides and that ordinarily to follow the opinion of value given by witnesses from either party, and would be an unjust award.

Are you not inferring that 93 percent of the cases that TVA takes by negotiation or by their appraiser going out, the same fellow, I guess, that testifies before your commission sets an award that they have an unjust deal?

Mr. ROBERTS. Well, Mr. Snyder, that may or may not be true, but I see no difference in that situation if when they do not agree you are going to try it before a jury or a commission. I mean the same thing would happen. The landowner and the condemning authority either agree or do not agree and for whatever reason you nor I do not know.

Mr. SNYDER. I think your point there is well made, and you are absolutely correct in what you said, but your observation as an experienced commissioner in this area is that if you took the testimony from