

either side totally, it would be an unjust award, in most cases. Ordinarily, as those words are used, and from what I deduced, what you are saying is you took TVA's testimony totally, ordinarily, this would be an unjust award.

Mr. ROBERTS. I think so.

Mr. SNYDER. Ninety-three percent of the people have gotten an unjust deal by the TVA.

Mr. ROBERTS. But, Mr. Chairman, that probably is not the question, nor relevant to the question.

Mr. SNYDER. I must confess it is not relevant to the question.

Mr. ROBERTS. On that I can see that these 7 percent choose to contest their cases; my point is that before a commission they are going to get a better and more just award between the Government and the landowner. They will come out more nearly equal than if this jury, chosen at random, and we have housewives and ditchdiggers and presidents of corporations and everybody else on the jury, they are chosen at random, as you know.

Mr. SNYDER. Yes.

Mr. ROBERTS. My point is that many of them, and certainly without seeing the land just cannot make a fair award. They cannot do better than just guess it in these kinds of cases.

Mr. SNYDER. I must confess we do not have any of that kind of stuff in the area I represent and I have never seen one of these cases tried, so I must rely on what you say here today. But, you made the comment there are no hung juries, no mistrials.

Mr. ROBERTS. No.

Mr. SNYDER. Now, by that do I logically conclude that the three of you just decide there will be no holdouts in these cases?

Mr. ROBERTS. No; we sometimes disagree.

Mr. SNYDER. What happens then, Judge?

Mr. ROBERTS. We have a minority report but three, unless they go three ways, they are going to have at least two, and two can turn in an award.

Just by illustration, we recently tried a case down there where myself and this merchant farmer gave something like \$100,000 more than TVA had condemned the land for.

The other commissioner rated it something like \$36,000 or \$38,000 or something like that. I have forgotten just what, but the TVA was dissatisfied with that award so they filed an objection. And when it was heard on appeal, and heard de novo, the Federal court agreed with the one man and overruled the two of us. So you see now with a jury, the judge cannot do that.

Mr. SNYDER. Judge, in this case where the two of you thought they were \$100,000 low, what was the total amount involved?

Mr. ROBERTS. About \$130,000 or \$140,000, just speaking in round numbers.

Mr. SNYDER. In other words, is that what the court finally gave the people?

Mr. ROBERTS. No.

Mr. SNYDER. What did they finally give them?

Mr. ROBERTS. Oh, some \$35,000 or \$40,000; and, again, I am speaking in round numbers, but I believe it was \$34,000. I do not remember the details of these cases too well.