

Mr. SNYDER. I think you make a good point.

Now, we have three experts here on this commission now rather than this just old run-of-the-mill stuff we pick up with the jury, you know, and these three experts now, two of them want an award that is what—400 percent higher than what one of them had wanted?

Mr. ROBERTS. I do not think it is that much, but a substantial percentage.

Mr. SNYDER. Well, wasn't it about four times the amount? They received \$34,000.

Mr. ROBERTS. About four times as much.

Mr. SNYDER. So the experts can probably disagree about as much as jurors then; can they not?

Mr. ROBERTS. Yes; but if that had been a jury, what would have happened?

Mr. SNYDER. I do not know.

Mr. ROBERTS. Yes, you do, as you are a lawyer. It would go over, not until the next week or the following week, but the next term, and the terms there are 6 months.

Mr. SNYDER. He might have let those people advance the property cases.

Mr. ROBERTS. Well, of course, if they agree, that is true; but the two of us could not convince the other one on our commission.

Mr. SNYDER. Could not convince the judge, either, apparently.

Mr. ROBERTS. And we did not convince the judge and now it is on appeal. That is the posture of the case as I understand it.

Mr. Pedersen has just reminded me, I did not mean to get into a discussion of that case, I merely used it as an illustration of the point I was trying to make. That was a complicated legal situation. In other words, there had been an interchange constructed at a freeway.

Mr. SNYDER. That makes a difference.

Mr. ROBERTS. You know it does, and this farm was right in one of the corners of that interchange and it was a question of whether the interchange was part of the TVA project for which the land was being taken, an enhancement for which the landowner is not entitled. We thought that he was entitled to that enhancement and the judge thought he was not, and now the court of appeals will try that without being in any way bound by what we, the Commission, did or what the district court did.

Mr. SNYDER. Now, you indicated under subsection (b) on page 3 there, some of the criteria that you use in making a determination of what ought to be awarded.

Do you list all of the criteria there, Judge?

Mr. ROBERTS. That is on page 4?

Mr. SNYDER. On page 3, sir, paragraph (b).

Mr. ROBERTS. Commissioners using their own knowledge of values—no, no. I do not undertake to set it all out, just refer to it.

Mr. SNYDER. Now, if we had a jury system though, of course it would not be your idea that the jurors would be the appraisers of the property, but the appraisers of the evidence they heard; is that not correct?

Mr. ROBERTS. Well, of course that is what we are.

Mr. SNYDER. But according to your testimony you use your own knowledge of values.

Mr. ROBERTS. The evidence shows the value.