

the evidence and arriving at a fair decision. From this inspection the commissioners can readily tell who is exaggerating, either up or down, and who has made an honest and fair appraisal.

In addition, the commissioners are usually men who are experienced in real estate matters and have had some experience in condemnation cases. Most of them probably could take the data which has been submitted in evidence and make a reasonable appraisal themselves. Their inspection is a vital factor in helping them to arrive at fair, consistent awards for all landowners.

I have had a good deal of experience testifying before State and Federal juries. Jurors are not allowed to inspect properties because of the time and expense involved. Ordinarily, they are not familiar with the locality where the property lies, nor with the comparable sales which have been introduced in evidence. Their verdicts usually represent a compromise between the high and low testimony. Since the same jury rarely hears more than one case, there is no consistency in the verdicts, which is not fair to either the landowners or the taxpayers.

Another advantage of the commission system is a savings in time in trying and disposing of a case. An experienced commission can try cases faster than the ordinary jury.

I would like to point out to a previous question I have testified before three of these commissioners and all the commissioners I have had experience with have consisted of a lawyer as chairman and the other two people in all cases have been professional real estate people.

Mr. CLAUSEN. You say professional real estate people. Are you making this point to illustrate the fact that they are deeply in appraisals as you are?

Mr. BAILEY. Not necessarily. They could be real estate brokers, specializing in sales, but not as appraisers.

The Federal judges usually appoint experienced men to serve as commissioners. Ordinarily a lawyer is appointed to serve as chairman, while the other two are either professional real estate men, or perhaps a real estate man and a farmer.

My experience has been that most jurors are people who have wholly different backgrounds and who have had no experience whatever with land values, or appraisal problems. Consequently, it is more difficult for them to evaluate that kind of evidence and agree upon a fair verdict. They are also more apt to be influenced by the argument of a skillful lawyer or the personality of the landowner than they are by the testimony. I think that is part of the reason why their verdicts are so inconsistent and unpredictable. While Commission decisions are ordinarily on the high side, in my opinion, still they tend to be within the realm of reasonableness and are definitely more consistent than jury verdicts. Since there is not as much chance of "hitting the jackpot" in a Commission hearing as there is with a jury, this tends to reduce the number of people who want to gamble on a lawsuit, and so many people are willing to settle for a fair price.

Another thing I would like to mention is the problem of the small landowner, which has already been discussed. While it doesn't make much difference to me whether I testify in a formal courtroom or at an informal Commission hearing, to most small property owners the Federal courtroom is a frightening thing. Likewise, in a small case—say one involving a hundred to a thousand dollars—it is hardly worth-