

while in most cases for the landowner to employ a lawyer to represent him in court. With the Commission system he may not even need a lawyer. On numerous occasions I have seen the Chairman of the Commission such as Mr. Roberts actually handle the case for a small owner, and lead him by the hand through the proceedings. This way the small man has his day in court. He is satisfied. This would be impossible in a formal courtroom hearing before judge and jury. The small owner definitely has an advantage before the Commission—and with absolutely no expense to him.

In closing, I would like to say that it is my sincere and humble conviction, based on many years of experience in real estate and condemnation work, that the Commission system which Congress established in the TVA Act is far superior to the jury trial system and produces more just results.

Thank you, sir.

Mr. JONES. Thank you, Mr. Bailey.

Any questions?

Mr. CLAUSEN. Mr. Bailey, first of all we do want to welcome you before this committee.

Mr. BAILEY. Thank you, sir.

Mr. CLAUSEN. You are very capable and made a very fine statement. You dealt with the fact that the small owner is helped through this procedure and yet, some of the other testimony and the comments that come from organizations seem to indicate that the small owner is the one who is principally hopeful of acquiring the jury trial procedure rather than that which is now in existence.

Could you shed some light on this?

Mr. BAILEY. I notice this very same thing in previous testimony. I do not know exactly how to shed light on this other than what I have said already here.

I would like for you to be a little more specific in the shedding of this light and I will try to do so.

Mr. CLAUSEN. I understand the previous witnesses seemed to suggest that the jury trial would give the small landowner more consideration and possibly more benefits and I would just like to have the benefit of your experience as to whether or not you would agree with this and if you could shed any light as to why they would make this kind of comment.

Mr. BAILEY. I would say yes and no, because as I have indicated here, I have had a good bit of experience in testifying before State and circuit courts in highway cases and urban renewal cases and cases of one kind or another.

It has been my observation that the jury trial system in the State level in particular, that a juror is greatly partial, let us say to the small property owner and in many cases involving a small property owner with a small residence or even a small tract of land of some kind or another, a juror will give a property owner in many cases several times the market value of this property which is not fair to the taxpayers.

To this extent he can hit the jackpot, yes.

Mr. CLAUSEN. Then is it your testimony that you feel that this is the principal reason why they are supporting this legislation?