

1 states of Pennsylvania, West Virginia -- West Virginia
2 adopted this particular clause in 1872, Illinois in 1870--
3 1874, I believe it was Virginia picked it up.

4 In any event, these states have functioned
5 well and they function properly. I respectfully submit
6 this is not pandora's box. There is a very narrow con-
7 struction due here by necessity. But we must be aware
8 of what we are doing to our taxpayers. We are getting
9 to the situation where these people owning property are
10 taxpayers. It seems to me we are worrying about whose
11 ox is getting gored. If it is yours, it is one thing. If
12 it is someone else's, then it is different.

13 We are trying to make a meaningful document and
14 we have to be aware of this situation. We are not dealing
15 with the situation they dealt with 100 years ago when the
16 original provision not mentioning damages came up.

17 Our courts are conservative, our courts and
18 legislature is conservative. A body of law will evolve.
19 By necessity this body of law will evolve. Is it not
20 better to have a body of law evolve which is careful and
21 which is conservative and will give justice to these