

1 and I want to suggest that the problem here is not
2 whether people will be adequately protected when their
3 property is taken which gives them a right not only to
4 the taking, the value of the taking, but the incidental
5 damages involved, but this introduces a concept which
6 had an unfortunate result, I think in many states, of
7 extending this nebulous concept of damage quite apart from
8 the property taken.

9 Now, when property is taken, you can have
10 valuations put on by your own appraisers in the states
11 and these matters can be submitted to a jury and incidental
12 damages following from it, but when the property is not
13 taken, it doesn't require much imagination to see that
14 you are in the cloud, that property miles away could be
15 affected by a particular change of a road for example, and
16 that is the difficulty that I see, is that it introduces
17 a perfectly nebulous concept which has been rejected by
18 our legislature and now it would be written in the vaguest
19 terms into our Constitution itself.

20 I think it would indeed open a Pandora's
21 box of litigation.