

apply if that power line were across the street from you, not on your property or somewhere else.

DELEGATE J. CLARK (presiding): Delegate Weidemeyer.

DELEGATE WEIDEMEYER: Then it would be a question of whether your property were actually damaged or not.

DELEGATE J. CLARK (presiding): Delegate Gilchrist.

DELEGATE GILCHRIST: Is there any way telling where the line falls between the power line which is 150 yards away and the bridge which you are talking about which is across the street?

DELEGATE J. CLARK (presiding): Delegate Weidemeyer.

DELEGATE WEIDEMEYER: I would say those are all questions of fact. One installation where they did not take your property, might be damaging, and another one might not.

All of those matters are a question of fact the same as the value is a question of fact when there is an actual taking.

DELEGATE GILCHRIST: May I then ask what is the situation under which you would under your amendment allow compensation to a person if this is not done for public purposes, but if a private person goes across the street and builds something which is just as objectionable, you would have no right to recover from the private person; so this is done for the public good, the person would be entitled to a recovery but if it is done for a private gain you could not recover?

DELEGATE J. CLARK (presiding): Delegate Weidemeyer.

DELEGATE WEIDEMEYER: In that area, if damages were suffered by the public generally, that is one thing, but what this is intended to cover is the case where the individual suffers that damage over and above that suffered by the public.

DELEGATE J. CLARK (presiding): Delegate Gilchrist.

DELEGATE WEIDEMEYER: It is the peculiar damage to the individual which we intend to cover.

DELEGATE GILCHRIST: The general public is not intended to exclude all the people in the immediate vicinity of the work which is causing the problem, is it?

DELEGATE WEIDEMEYER: I did not get your question.

DELEGATE J. CLARK (presiding): Delegate Gilchrist.

DELEGATE GILCHRIST: Everybody who is within sight of something which obstructs the view, for example, is in exactly the same position. They are the individuals involved.

DELEGATE J. CLARK (presiding): Delegate Weidemeyer.

DELEGATE WEIDEMEYER: Let me read the following: "compensation is required not only where there is an injury which would become actionable in common law, but also in all cases where it appears that there has been some physical disturbance of a right either public or private which an owner of a parcel of land enjoys in connection with its property and which gives it an additional value and by reason of such disturbance he has sustained a special damage in excess of that sustained to the public generally."

I was reading from Nichols on eminent domain.

DELEGATE J. CLARK (presiding): Delegate Gilchrist.

DELEGATE GILCHRIST: This was never in the law of Maryland.

DELEGATE J. CLARK (presiding): Delegate Weidemeyer.

DELEGATE WEIDEMEYER: No, it was instituted in the law in 1870.

DELEGATE J. CLARK (presiding): The Chair recognizes Delegate Kiefer.

DELEGATE KIEFER: I rise to a point of order.

We are being questioned about damages. I do not think that is what this subject is about. I understand Delegate Gilchrist has an amendment concerning damages in our proposal. I would suggest we hold that until we get to that amendment.

I do not think this is what Delegate Weidemeyer is talking about.

DELEGATE J. CLARK (presiding): Delegate Gilchrist.

DELEGATE GILCHRIST: Damages are in the minority report.

DELEGATE WEIDEMEYER: It is in the language of the majority report and the minority report. I did not come here to elaborate on the majority report. I did not come here prepared to do that. I came here to give you what ought to be added to the majority report.