

# HOUSE . . . . No. 1382.

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## Commonwealth of Massachusetts.

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EXECUTIVE DEPARTMENT, BOSTON, June 11, 1897.

*To the Honorable Senate and House of Representatives.*

I return herewith without my approval the bill entitled "An Act to provide relief for the Société St. Jean Baptiste de West Boylston, Mass."

This bill appears to be open to objections. I am informed that the corporation named in the bill is a fraternal benefit association, organized for the purpose of paying benefits to its members in case of sickness or death. It owns no property other than funds in the treasury. The only damage it can claim by reason of the construction of the metropolitan water basin is that which may result from the dispersion of its members who will no longer be able to live in West Boylston, and the possible consequent impairment of its usefulness as a charitable organization.

I do not now discuss the question of the wisdom of affording relief for damages of this nature. But the proposed bill would be ineffective in accomplishing the desired result. An injury of this sort is not one for which compensation can be had under the ordinary rules of damages established by the courts. The damages claimed are vague, remote, speculative and not capable of accurate determination; and it is not at all improbable that upon a case arising for judicial determination the courts might interpret the act as giving relief only for those direct and specific damages which have heretofore been recognized in

judicial proceedings. In such an event the persons for whose relief this act is proposed would meet only embarrassment and loss through its enactment.

If when the basin is constructed it is found that the association is thereby disintegrated and its usefulness impaired or destroyed, it may be that the Legislature will deem it wise to vote a sum of money therefor; but as any such payment would be a mere grant, and not compensation for injury to property capable of judicial ascertainment by the courts, it should be decreed by act of Legislature and not under the forms of law. These are not adapted to fix or measure the bounty of the Commonwealth.

ROGER WOLCOTT.



