

Calendar No. 61

69TH CONGRESS }
1st Session }

SENATE

} REPORT
No. 58

BENJAMIN F. SPATES

JANUARY 16 (calendar day, JANUARY 20), 1926.—Ordered to be printed

MR. TRAMMELL, from the Committee on Claims, submitted the following

REPORT

[To accompany S. 1767]

The Committee on Claims, to whom was referred the bill (S. 1767) for the relief of Benjamin F. Spates, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendment:

In line 6, strike out the figures "\$2,000" and insert in lieu thereof the figures "\$1,000."

Similar bills passed the Senate in the Sixty-seventh and Sixty-eighth Congresses.

That facts are fully set forth in Senate Report No. 57, Sixty-eighth Congress, first session, which is appended hereto and made a part of this report.

[Senate Report No. 57, Sixty-eighth Congress, first session]

The Committee on Claims, to whom was referred the bill (S. 1732) for the relief of Benjamin F. Spates, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendment:

In line 6, strike out the figures "\$2,000" and insert in lieu thereof the figures "\$1,000."

The facts in the case are fully set forth in Senate Report No. 475, Sixty-seventh Congress, second session, which is appended hereto and made a part of this report.

[Senate Report No. 475, Sixty-seventh Congress, second session]

The Committee on Claims, to whom was referred the bill (S. 1352) for the relief of Benjamin F. Spates, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendment:

In line 6 strike out the figures "\$2,000" and insert in lieu thereof the figures "\$1,000."

On September 17, 1885, the claimant, while in the employ of the United States as a laborer at the Capitol Grounds, and under the supervision of the Architect of the Capitol, while carrying a piece of timber from the House side to the Senate side, stepped upon a sewer trap which was placed and maintained upon the Capitol Grounds. The said sewer trap gave way under his weight, threw him to the ground, his foot and leg being projected into the said sewer trap, causing a severe injury to his foot and ankle. He was forced to take to his bed and was under the care of a doctor from September 17, 1885, until about November 8, 1885. He is still suffering from the injury and is, and has been since the accident, incapacitated from performing hard labor. The evidence shows that the accident was not due to any fault of the claimant, but was caused by the unsafe condition of the sewer trap.

The following correspondence and affidavits are appended hereto and made a part of this report:

WASHINGTON, D. C., *December 15, 1885.*

This is to certify that Mr. Benjamin F. Spates came under my professional care September 17, 1885, suffering from fracture of bones of left foot, which prevented him from using foot and confined him to bed. Mr. Spates was under my care and Doctor Crook's from above date, at intervals, until about the 8th of November, 1885, during which time he was unable to perform any work.

HAMILTON E. LEACH, M. D.

WASHINGTON CITY, *District of Columbia, ss:*

On this 6th day of June, in the year 1886, before me, the subscriber, a notary public in and for said District, personally appeared John Decker, foreman at the Capitol, and made oath in due form of law, deposes and says that on or about the 16th day of September, A. D. 1885, a certain Benjamin F. Spates was an employee on the public grounds of the Capitol; that on the aforesaid day while the said Benjamin F. Spates was in the discharge of his duty as such employee carrying a joist on his shoulders, assisted by a certain John Dudley, from one part of said grounds to another for the purpose of erecting necessary scaffolding he stepped upon a sewer trap fixed on the said public grounds of the Capitol; that said sewer trap turned and thereby threw the said Benjamin F. Spates to the ground, his foot sticking in the hole of said sewer trap, and his ankle and foot were thereby broken and severely injured, and he was confined to his house for about six weeks, and is still greatly crippled and disabled therefrom; and this deponent further makes oath that the said sewer trap was then, and is now, unsafe and dangerous to any person walking or employed about the said Capitol grounds.

JOHN DECKER.

Subscribed and sworn to before me the 6th day of July, A. D. 1886.

[SEAL.]

L. I. O'NEAL, *Notary Public.*

OFFICE OF SUPERINTENDENT,
UNITED STATES CAPITOL BUILDING AND GROUNDS,
Washington, D. C., August 24, 1914.

HON. NATHAN P. BRYAN,
*Chairman Senate Committee on Claims,
United States Senate, Washington, D. C.*

DEAR SENATOR: I acknowledge your letter of August 11, 1916, relating to the claim of Benjamin F. Spates, and in reply beg to state that the records of this office show that Mr. Spates is carried on the rolls for the months of June, July, August, and September, 1885, after which time no further record of his service has been found, and that the records also show that John Decker was the foreman in charge of the laborers of the roll on which Mr. Spates was employed during the month of September, 1885.

Very respectfully,

ELLIOTT WOODS,
Superintendent United States Capitol Building and Grounds.

WASHINGTON, D. C., *January 30, 1916.*

I hereby certify that I have this day made a physical examination of Mr. Benjamin F. Spates and found that his blood pressure is 145 and his pulse rate is 116. He is suffering from arteriosclerosis. His left leg is swollen and his general condition is poor.

HARRISON CROOK.

AFFIDAVIT OF BENJAMIN F. SPATES, CLAIMANT

DISTRICT OF COLUMBIA, *City of Washington, ss:*

Benjamin F. Spates, being duly sworn, deposes and says that he is nearly 67 years of age, is a citizen of the United States, and at the present time a resident of the city of Washington, in the District of Columbia. That he is the same Benjamin F. Spates who is the beneficiary named in Senate bill No. 3174 of the present Congress, introduced by Senator Newlands, and in Senate bill No. 1268, of the Forty-ninth Congress, introduced by Senator Gorman.

That he is a very poor man, having no income of any kind from any source whatever, having no trade or profession, and is dependent for support upon what little he can earn and from small contributions made to him occasionally by relatives and friends, who are likewise persons of small means. That he has been in bad health ever since September 17, 1885, the date of the injury referred to in said Senate bills, his foot, which was badly injured at that time, ever since having given him much pain and trouble, often preventing his getting around at all; and especially is this true for the last 15 years, during which time, as he has grown older, his health has become more and more impaired and he has become less able to earn enough to furnish him anything like adequate support and maintenance. That on account of his age and infirmity he is now unable to perform labor, except to a very limited extent of a very light character.

BENJAMIN F. SPATES.

Subscribed and sworn to before me this 31st day of January, 1916.

[SEAL.]

M. E. JONES, *Notary Public.*

AUGUST 28, 1916.

I certify that while a member of the cleaning force engaged in cleaning columns on the east portico of the Capitol Building, House of Representatives side, about September 15, 1885, I witnessed an accident to Mr. Benjamin F. Spates, another member of said cleaning force, which occurred while on the way from the above-mentioned point to the Senate, and was caused by Mr. Spates stepping on a sewer trap of a type not now used, which turned on a pivot of some sort and resulted in the breaking of his foot, and resulted in Mr. Spates being away from work for a period of about eight weeks. The accident was clearly no fault of Mr. Spates.

THOMAS (his x mark) WOOD.

Witnesses:

H. H. BUCK,

EUGENE COLEVILL.

DISTRICT OF COLUMBIA, *ss:*

Personally appeared before me, a notary public, one Thomas Wood, who, being by me first duly sworn, deposes and says that he made his mark to the foregoing statement and that the same is true.

[SEAL.]

CHARLES F. PACE,
Notary Public, District of Columbia.

My commission expires March 27, 1921.

○

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
CHICAGO, ILLINOIS

REPORT OF THE CHIEF OF BUREAU
ON THE PROGRESS OF THE WORK DURING THE YEAR 1900

Submitted and published by the Board of Trustees
of the University of Chicago, 1901

CHICAGO: THE UNIVERSITY OF CHICAGO PRESS
1901

Printed and bound by the University of Chicago Press

THE UNIVERSITY OF CHICAGO PRESS
508 N. Dearborn Street
CHICAGO, ILLINOIS