

OREGON SHORT LINE RAILROAD COMPANY
SOUTHERN PACIFIC COMPANY—In Utah
UNION PACIFIC RAILROAD COMPANY—In Utah

LAW DEPARTMENT

SALT LAKE CITY, UTAH, March 5, 1912.

Hon. George Sutherland,
United States Senate,
Washington, D.C.

My dear Senator:

I duly received yours of February 24th, and yesterday received two copies of Bulletin 338, which I heretofore requested, and which you so kindly furnished. I am very grateful for the favor conferred and thank you for the same.

I have been very much interested in following the course of your personal labors, and the Commission that you head, with reference to employees' compensation. You no doubt are beset with so much correspondence upon this subject that it will be of little or no interest to hear from me on the subject. I cannot refrain, however, from expressing the personal belief I have, that the bill that has finally been reported by your Commission evidences a tremendous amount of work, a most careful and painstaking consideration and has resulted in the preparation and presentation of an act that is equal, if not superior, to anything else upon the same subject in this or any other country. I do not approve of it in all of its details, or in its entirety, but I do recognize that the time is coming when such legislation will be enacted; and I am frank to confess that the time is not far distant, in view of all of our commercial and social complexities, when such legislation in some form or other ought generally to obtain.

Speaking from my personal experience in the class of work I am engaged in, and without knowing what the view of the governors of the companies I represent is, and of course not reflecting their views at all, it is my belief that the present bill, if it can be enacted into law as presented by your Commission, would be much better than to be suffering from the innumerable ills that beset us upon all sides. In other words, it would be decidedly better to have one definite and positive trouble to contend with, and a yard stick by which we could measure our rights and liabilities,- even though it were not wholly to our liking, than to be in our present situation of having half a dozen or more troubles and the same number of measurements, all differing from each other, to be applied to us.

I confess that I find it very difficult personally to bring my mind in accord with the view that because the Constitution of the United States authorizes Congress to regulate commerce, that it may absolutely determine the liability as between an interstate carrier and its interstate employee that grow out of the contractual relationship of employer and the servant; and I have the same difficulty in believing that an absolute liability can be created. But all these things aside, the bill presented is a great credit to those that have been engaged in its preparation and the investigation necessary to enable them to frame anything at all, and it will be a great and constructive piece of legislation redounding to the credit of the administration, and to yourself in particular, if this bill becomes law. I greatly fear that if we are to have this legislation it will be so emasculated and mutilated by amendment that much of the careful work and study that has been bestowed upon it will be nullified and radical provisions inserted that will be an incentive to attack the validity of the act and in all probability make it vulnerable to successful attack.

Yours truly,

George H. Smith