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**Letters from Cabinet officers relative to civil service rules. Letters from the Secretaries of the Treasury, of the Department of Agriculture, and of the Department of State, in response to resolution of the Senate of December 18, 1897, relative to changes or amendments to the present civil service rules.**

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LETTERS FROM CABINET OFFICERS RELATIVE TO CIVIL-SERVICE RULES.

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LETTERS

FROM

THE SECRETARIES OF THE TREASURY, OF THE DEPARTMENT OF AGRICULTURE, AND OF THE DEPARTMENT OF STATE, IN RESPONSE TO RESOLUTION OF THE SENATE OF DECEMBER 18, 1897, RELATIVE TO CHANGES OR AMENDMENTS TO THE PRESENT CIVIL-SERVICE RULES.

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JANUARY 5, 1898.—Referred to the Committee on Civil Service and Retrenchment and ordered to be printed.

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TREASURY DEPARTMENT,  
OFFICE OF THE SECRETARY,  
Washington, D. C., January 4, 1898.

THE SENATE OF THE UNITED STATES:

I have the honor to acknowledge receipt of the following resolutions, passed by the Senate December 18, 1897:

*Resolved*, That the heads of the several Executive Departments, respectively, be directed to inform the Senate what appointive positions, if any, in their respective Departments should, in their opinion, be excepted from the operation of the laws governing the civil service or the rules established by the Civil Service Commission; and, further,

*Resolved*, That the said heads of the several Executive Departments, respectively, be directed to inform the Senate what changes or amendments to the present civil-service rules seem to be desirable, as indicated by their experience.

It can not be denied that the large number of places brought into the classified service by the Executive order of May 6, 1896, have added many difficulties to the administration of the law. That sweeping amendment to the rules brought into the list of classified places every position to which the Secretary makes appointment in the Treasury Department, except two clerical places and the mere laborers and charwomen. In framing such an inclusive order it is not surprising that places have been brought into the classified service that ought not to be there. At the time every position in this Department was brought within the classification the best friends of the merit system, had the situation been examined more carefully, would probably have admitted that the classification should not be complete. Now, after an experience of nearly two years, it is shown conclusively that there are positions which were classified by this inclusive order that should, for the best interests of the service and for the best interests of the merit system,

be made excepted places, although still subject to noncompetitive examinations.

I believe that experience has taught that the order of May 6, 1896, was too sweeping and that there should be taken out of the classified service a considerable number of places that were at that time classified. The most important of those places are in the Internal-Revenue Service. The difficulties which the Department has experienced in the administration of the rules as they now exist, as applied to the Internal-Revenue Service, have become intolerable. I believe that all positions of deputy collectors of internal revenue should be made excepted places, subject, however, to noncompetitive examinations. The collectors who appoint the deputies are personally responsible for the conduct of their subordinates. This responsibility covers not only the fidelity and integrity of those subordinates in their relation to the Government, but extends to a personal liability to those who may be injured in person or in property by inconsiderate or malicious trespass committed by such subordinates in the course of their duties. It is obviously wrong that a collector, after assuming the heavy responsibility that he does, should be tied down to an eligible list (the names on which he may know nothing about) from which to select his subordinates, each of whom is officially his other self. There is no desire on the part of the Department to make the test of fitness in the smallest degree less searching than it is under the system of competitive examinations, but I believe that it is desirable that the collectors be free to select their subordinates, within the lines which a rigid test of fitness will permit, from among men concerning whose personal characteristics and integrity they have knowledge.

Another branch of the service where experience has demonstrated that classification was ill advised is the custodian service in the public buildings throughout the country. There are in this service a large number of low-salaried positions where no academic test is required or desirable. The service covers the entire country. It frequently happens that a vacancy occurs without there being a proper eligible list, and the delays and restrictions following the making of temporary appointments, the holding of examinations, the displacement of the temporary appointees, and the final installation of a properly certified person have been distinctly detrimental to the service. It is the experience of the Department that the character of the service has been in no wise improved, while the delays and restrictions which have followed a strict administration of the law have been extremely vexatious, without bringing any corresponding advantages. I believe that it would be of distinct advantage to take all positions in the custodian force, including elevator conductors, firemen, dynamo tenders, and employees of a similar character, out of the classified service.

The employees of the Light-House Establishment have been under civil-service rules since May 6. No improvement has resulted, but on the other hand vexatious delays have occurred in filling vacancies, which fortunately, so far, have not resulted in serious disaster. The clerical force, always small, but excellent, might advantageously remain under the classified rules of the civil service. But for all other employees the best interests will be conserved by removing them from the classified service and, as hitherto with marked success, be placed absolutely in the hands of the inspectors and engineers of the various districts subject, as before, to the approval of the Light-House Board and that of the Secretary of the Treasury.

The position of the counsel before the Board of General Appraisers

should, in my opinion, be exempt from the civil-service rules. The position requires the services of a specially trained lawyer, and no examination which can be prescribed is an adequate test of the fitness of an applicant.

There is also a position in the New York custom-house known as paymaster. The duties of the place require the handling of large amounts of cash. The collector is responsible for the safety and proper distribution of this money, and the same reasons which operate to exempt cashiers and deputies having financial responsibility apply to this position.

I would also exempt the positions of shipping commissioner at the various ports. The most difficult duties of the shipping commissioners are semijudicial, as arbitrators between seamen and owners, or masters. An examination can hardly show the existence of the judicial temperament and skill in dealing with men. On the other hand, it must be stated that these offices, if used to serve party ends, would become oppressive to rather than protective of seamen, as designed. Sailors seldom vote. Sailors' boarding houses and other resorts for sailors may easily be favored by the commissioners.

I would further suggest such a modification of the rules as would permit, when no eligible register exists, a permanent appointment to be made, in the discretion of the head of the Department, subject to a non-competitive examination by the Civil Service Commission. One of the chief difficulties in the administration of the law arises in the voluminous correspondence necessary when an eligible register does not exist and temporary appointments are made pending the creation of an eligible list.

I would also recommend that the rules be so modified as to permit the head of a Department to transfer any person in the classified service of one branch of his Department to the classified service of another branch, without regard to apportionment. The prohibition upon the free movement of persons within the classified service of a Department, occasioned by the method of enforcing the apportionment rules, is a source of much embarrassment.

Respectfully,

L. J. GAGE, *Secretary.*

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UNITED STATES DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
Washington, D. C., January 4, 1898.

SIR: In response to resolutions of the United States Senate, dated December 18, 1897, regarding changes in the civil-service law, and addressed to the several Executive Departments, I have the honor to state that the chief trouble I find in the Department of Agriculture exists in the Bureau of Animal Industry between inspectors, assistant inspectors, stock examiners, and taggers, covered into the service without examination, and that the only marked inefficiency I find in the work of any class of employees in the said department is among the above-mentioned employees of the Bureau of Animal Industry, and in certain of the State statistical agents, who were also covered into the service without examination. These matters can be remedied by the President by exempting certain positions from the classified service, or by the head of the department through departmental examinations.

Very respectfully,

JAMES WILSON, *Secretary.*

The VICE-PRESIDENT.

To the SENATE OF THE UNITED STATES:

The Secretary of State, to whom was addressed the resolution of the Senate of December 18, 1897, reading as follows—

*Resolved*, That the heads of the several Executive Departments, respectively, be directed to inform the Senate what appointive positions, if any, in their respective Departments should, in their opinion, be excepted from the operation of the laws governing the civil service or the rules established by the Civil Service Commission; and further

*Resolved*, That the said heads of the several Executive Departments, respectively, be directed to inform the Senate what changes or amendments to the present civil-service rules seem to be desirable, as indicated by their experience—

has the honor to make report so far as concerns the Department of State.

I found upon entering upon my duties as Secretary of State that the entire clerical force of the Department, including the chief clerk, at \$2,500, and six chiefs of bureaus, at \$2,100 each, was covered by the civil-service law under a Presidential order extending its operations so as to embrace those officers.

My opinion is that these seven positions should "be excepted from the operations of the laws governing the civil service, or the rules established by the Civil Service Commission," and I so recommend should any changes or amendments to the present civil-service law or rules be contemplated. These officers should be either appointed by the President, by and with the advice and consent of the Senate, or the Secretary of State should be, as formerly, acting for the President, empowered to appoint them.

All these officers bear a close personal relation to the Secretary of State in the conduct of the Department's official business. It is through them, under the assistant secretaries, he is enabled to transact his official duties, and it would seem to be the part of prudence and discretion that they should be in sympathetic touch with the head of the Department to insure cooperation and harmony of action. It is probable that the Secretary of State may not wish to exercise the power conferred upon him to make removals and appointments in these particular positions, but his hands should not be tied or his authority limited whenever, in his judgment, the best interests of the public service demand a change. This freedom of action on the part of the Secretary of State, which should never have been curtailed, would, I believe, promote the public interests. It should certainly instill in those officers a desire to render the best possible service to the Department and stimulate their highest endeavors to discharge their official duties in harmony with the wishes of the Secretary of State.

I may say frankly that my recommendation for a change in this respect is not based upon any want of fidelity on the part of the gentlemen who are at present occupying the seven positions named, or because of a desire to remove any one of them and appoint his successor. They have uniformly shown a commendable spirit of energy and fidelity in carrying forward the great volume of the Department's work, which I can not fail to recognize and appreciate. I have made the recommendation solely because I believe the persons competent to fill these necessarily quasi confidential and important positions should be instantly and freely subject to change by the President or the Secretary of State. I think the service would be benefited by excepting these seven positions from the operations of the civil-service laws.

Respectfully submitted.

JOHN SHERMAN.

DEPARTMENT OF STATE,  
Washington, January 5, 1898.

AMENDMENTS TO CIVIL-SERVICE RULES.

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LETTER

FROM

THE ATTORNEY-GENERAL,

IN RESPONSE TO

RESOLUTION OF THE SENATE OF DECEMBER 18, 1897, RELATIVE  
TO CHANGES OR AMENDMENTS TO THE PRESENT CIVIL-  
SERVICE RULES.

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JANUARY 7, 1898.—Referred to the Committee on Civil Service and Retrenchment  
and ordered to be printed.

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DEPARTMENT OF JUSTICE,  
OFFICE OF THE ATTORNEY-GENERAL,  
*Washington, D. C., January 5, 1898.*

SIR: In response to the resolution of the Senate of December 18, 1897, directing the heads of the several Executive Departments to inform the Senate what appointive positions, if any, in their respective Departments should in their opinion be excepted from the operation of the laws governing the civil service or the rules established by the Civil Service Commission, and to inform the Senate what changes or amendments to the present civil-service rules seem to be desirable, as indicated by their experience, I have the honor to reply that by an amendment of Rule III of the civil-service rules the "Classified service" is made to include all officers in the several Executive Departments. This necessarily includes (regarding the letter of the provision) all attorneys and assistant attorneys, including in the latter class assistant district attorneys.

There is an exception made by Rule VI, as follows:

(c) Attorneys or assistant attorneys in any Department whose main duties are connected with the management of cases in court.

Passing without comment the ambiguity of this provision, the distinction it makes between the duties of attorneys is artificial and unsound. Attorneys and assistant attorneys, including in the latter assistant district attorneys, should be removed from the "Classified service."

In this recommendation I have only considered the civil-service law and rules by themselves, and without reference or regard to statutes which may be said to modify or conflict with them, and the same comment may be made as to the recommendation in regard to deputy

marshals. Office deputy marshals are said to be included in the "Classified service" by that part of Rule III which provides as follows:

\* \* \* The departmental service shall include officers and employees as follows: \* \* \* (b) All executive officers and employees outside of the District of Columbia \* \* \* who are serving in a clerical capacity, or whose duties are in whole or in part of a clerical nature.

There is, however, a conflict of opinion as to the effect of this provision as against certain provisions of the Revised Statutes. The Comptroller of the Treasury holds that the terms of deputies expire with those of their principals. This view has been sustained by Judge Rogers of the western district of Arkansas, and opposed by Judge Jackson of the district of West Virginia. It is not necessary to decide between these views. Considering the relations between a marshal and his deputies, the latter should not be in the "Classified service," and all doubts should be removed by an explicit amendment to the rules.

The other positions in this Department, as indicated by my present experience, may fairly be said to be properly within the reason and purpose of the civil-service law.

By an amendment to the civil-service rules made May 6, 1896, there was created in the "Classified service" positions termed "excepted positions," and these were defined to be by decision (e), Rule I, "any position within the provisions of the civil-service act, but excepted from the requirements of competitive examination or registration for appointment thereto." In this class are all attorneys and assistant attorneys, even though their "main duties are connected with the management of cases in court." The position is an unsatisfactory one. Every removal will be invidious and complained of as being for political reasons. I therefore recommend that the "excepted positions" be abolished.

Respectfully,

JOSEPH MCKENNA,  
*Attorney-General.*

The PRESIDENT OF THE SENATE.



CIVIL SERVICE IN THE EXECUTIVE DEPARTMENTS.

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LETTERS

FROM

THE POSTMASTER-GENERAL, THE SECRETARY OF THE NAVY,  
AND THE SECRETARY OF THE INTERIOR,

IN RESPONSE TO

RESOLUTION OF THE SENATE OF DECEMBER 18, 1897, RELATIVE  
TO CHANGES OR AMENDMENTS TO THE PRESENT CIVIL-  
SERVICE RULES.

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JANUARY 10, 1898.—Referred to the Committee on Civil Service and Retrenchment  
and ordered to be printed.

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POST-OFFICE DEPARTMENT,  
OFFICE OF THE POSTMASTER-GENERAL,  
Washington, D. C., January 10, 1898.

The PRESIDENT OF THE SENATE:

I am in receipt of the resolutions of the Senate dated December 18, 1897, which were as follows:

*Resolved*, That the heads of the several Executive Departments, respectively, be directed to inform the Senate what appointive positions, if any, in their respective Departments should, in their opinion, be excepted from the operation of the laws governing the civil service, or the rules established by the Civil Service Commission; and further,

*Resolved*, That the said heads of the several Executive Departments, respectively, be directed to inform the Senate what changes or amendments to the present civil-service rules seem to be desirable, as indicated by their experience.

In my judgment, the following positions should be excepted from the rules governing the classified civil service, in addition to those of private secretary and confidential clerk to the Postmaster-General and unskilled laborers, which are now exempt: Chief clerk of the Post-Office Department; disbursing clerk; appointment clerk; private secretary and chief clerk to each of the four Assistant Postmasters-General; private secretary and confidential clerk to the Assistant Attorney-General for the Post-Office Department; and confidential clerk to the chief post-office inspector; postal-card agent; postage-stamp agent; stamped-envelope agent; five post-office inspectors; watchmen; firemen; assistant messengers; pages; laborers of all kinds, and charwomen.

In the post-offices throughout the country I would recommend the following exceptions: Superintendents or clerks in charge of carrier



stations; assistant cashiers; private secretaries and stenographers to the postmasters in the larger offices; messengers; porters; cleaners; janitors; watchmen, and laborers.

I am not prepared to recommend any changes or amendments to the present civil-service rules.

Respectfully submitted.

JAS. A. GARY,  
*Postmaster-General.*

NAVY DEPARTMENT,  
*Washington, January 7, 1898.*

SIR: In compliance with the resolve of the Senate, dated December 18, 1897, the Navy Department has the honor to say that, in its opinion, the only amendment which its experience suggests in the laws governing the civil service, or the rules established by the Civil Service Commission, relates to the latter—the rules.

The amendment regarded as desirable is that the Civil Service Commission shall approve what may be called a navy-yard order, providing that the Secretary of the Navy may, upon a competitive examination by a board of naval officers, appoint certain employees at navy-yards, etc. (other than clerks, messengers, watchmen, and draftsmen), whom the Commission either does not have on its eligible lists, or are unable to supply without unreasonable delay. There have been several cases—one of a leveler and rodman, another of a special laborer having technical knowledge of machinery—whom the Commission were several months in furnishing, and whose services were very much needed during that time.

Very respectfully,

JOHN D. LONG,  
*Secretary.*

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,  
*Washington, January 10, 1898.*

SIR: I have the honor to acknowledge the receipt of the following resolution passed by the Senate December 18, 1897:

*Resolved*, That the heads of the several Executive Departments, respectively, be directed to inform the Senate what appointive positions, if any, in their respective Departments should, in their opinion, be excepted from the operation of the laws governing the civil service or the rules established by the Civil Service Commission; and further,

*Resolved*, That the said heads of the several Executive Departments, respectively, be directed to inform the Senate what changes or amendments to the present civil-service rules seem to be desirable, as indicated by their experience.

In response thereto I have to state that in my judgment the following positions in this Department should “be excepted from the operation of the laws governing the civil service or the rules established by the Civil Service Commission,” to wit:

Office of the Secretary:

The Chief Clerk of the Department.

The special land inspector.

1 private secretary (now exempt).

1 confidential clerk (now exempt).

Office of the First Assistant Secretary:

1 clerk to act as private secretary or confidential clerk.

Office of the Assistant Secretary:

1 clerk to act as private secretary or confidential clerk.

The members of the Board of Pension Appeals, attorneys.

Office of the Assistant Attorney-General for the Interior Department:

1 clerk to act as private secretary or confidential clerk.

The assistant attorneys of the office.

The General Land Office:

1 chief clerk of the Bureau.

1 clerk to act as private secretary or confidential clerk.

1 depository to the Commissioner, acting as receiver of public moneys; a bonded officer.

Inspectors of surveyors-general and district land offices.

Special agents for examination of surveys.

Special agents, unspecified service, but assigned to depredations on public timber, protecting public lands and swamp lands, etc., varying in number according to the requirements of the service.

Law examiners and law clerks (2 of each grade).

Inspectors of coal mines in the Territories (Presidential appointments not confirmed by the Senate, but included in the classified service).

Clerks employed temporarily in, and contest clerks in local land offices; paid from special deposits, not Government funds.

Clerks employed temporarily in and per diem clerks in the offices of the surveyors-general; paid from special deposits, not Government funds.

Office of Indian Affairs:

One clerk to act as private secretary or confidential clerk.

Special Indian agents.

Special agents for the allotment of lands in severalty.

All special commissioners to negotiate with the Indians for any purpose whatsoever.

Supervisors of Indian schools.

Examiners of Indian timber lands.

Engineers to make surveys of reservation boundary lines and surveyors at Indian agencies.

Superintendents of warehouses, irrigation, and logging.

Head clerk at each Indian agency to act as agent during the absence or disability of the agent proper.

All agency employees of a subordinate character, such as farmer, assistant farmer, blacksmiths, shoemakers, tailors, butchers, herders, harnessmakers, storekeepers, millers, wheelwrights, nurserymen, painters, carpenters, teamsters, and similar positions, requiring knowledge of trades and manual skill, but not much education.

Indian school employees, such as cooks, laundress, seamstress, watchmen, bakers, nurses, janitors, tanners, dairymen, firemen, shoe and harness makers, and other occupations similar in character, requiring no great educational qualifications.

Pension Office:

1 chief clerk of the Bureau.

1 clerk to act as private secretary or confidential clerk.

The medical referee of the Bureau.

Special examiners to investigate fraudulent and other pension claims.

Pension agency service:

1 chief clerk at each agency.

1 clerk at each agency designated to sign checks for the agent and act as confidential clerk.

Education Office:

The Alaska school service: Employment therein is temporary in character; difficulty has been experienced in filling positions, owing to great distance to the schools and their comparative isolation, etc.

The Patent Office:

1 chief clerk of the Bureau; a bonded officer.

1 clerk to act as private secretary or confidential clerk.

The financial clerk; a bonded officer.

1 skilled laborer; a mechanic of sufficient skill to enable him to assist in taking care of and repairing models, etc.

1 messenger and property clerk; in charge of the laboring force and of such property as it is necessary to store, clean, or renew from time to time.

The Geological Survey:

Printers' assistants; boys employed at a nominal compensation.

Miscellaneous:

The superintendent of the Hot Springs Reservation.

Very respectfully,

C. N. BLISS, *Secretary.*

The PRESIDENT OF THE SENATE.