

PAYMENT OF CERTAIN PER DIEM CLERKS.

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LETTER

FROM

THE ACTING SECRETARY OF THE TREASURY,

TRANSMITTING

*An item submitted by the Secretary of the Interior for insertion as a proviso to the appropriation in the legislative, executive, and judicial bill for transcribing and copying in the Indian office for the fiscal year 1893.*

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FEBRUARY 17, 1892.—Referred to the Committee on Appropriations and ordered to be printed.

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TREASURY DEPARTMENT,  
*February 15, 1892.*

SIR: I have the honor to transmit herewith, for the consideration of Congress, an item, as therein expressed, submitted by the Secretary of the Interior for insertion as a proviso to the appropriation in the legislative, executive, and judicial bill for transcribing and copying in the Indian office for the fiscal year 1893. The estimate for this object, to which it is desired to have the proviso attached, will be found on page 55 of the Book of Estimates for 1893 under the title "Salaries, Indian Office."

Respectfully yours,

O. L. SPAULDING,  
*Acting Secretary.*

• THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

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DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, February 10, 1892.*

SIR: I respectfully invite your attention again to the payments justly due Mrs. Emma A. Genzerodt, Mrs. R. M. Boleigh, Mrs. Addie C. Sinclair, and Mrs. Nellie B. Edgardon, for services rendered as per diem clerks in the Indian Bureau, under my appointment, prior to the decision rendered by the Civil Service Commission that the positions of per diem clerks could be filled only by certification from that commission.

I inclose herewith copies of my communications to the Department on this subject of March 20 and April 30 last, which fully explain the situation, and I respectfully request that Congress be asked to insert

the following item in the legislative, executive, and judicial appropriation bill:

*Provided, That out of the appropriation of \$2,500 for per diem clerks in the Indian Bureau, contained in the act of March 3, 1881, there may be expended not exceeding \$64 for services rendered by four persons under appointment of the Commissioner of Indian Affairs prior to decision of Civil-Service Commission that such positions could be filled only by certification from that Commission, said persons having received no pay for such service.*

These ladies rendered the service in good faith and are justly entitled to the small amount of compensation, aggregating only \$64, which is due them.

Very respectfully, your obedient servant,

T. J. MORGAN,  
Commissioner.

The SECRETARY OF THE INTERIOR.

[Indorsement.]

DEPARTMENT OF THE INTERIOR,  
February, 12, 1892.

Respectfully referred to the honorable Secretary of the Treasury, with the recommendation that the within item be inserted in the legislative, executive, and judicial appropriation bill for the fiscal year ending June 30, 1893.

GEORGE CHANDLER,  
Acting Secretary.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
Washington, April 30, 1891.

SIR: I have the honor to be in receipt of your communication of the 24th ultimo, in which you state you will recommend to the President payment for services rendered by the four persons who were appointed by me as per diem clerks in this Bureau, and who were afterwards decided to be ineligible for such appointment because they had not been certified by the Civil-Service Commission.

I respectfully inclose herewith statement giving the names of the persons appointed and the term during which they rendered service in this Bureau, and the amount of pay justly due them for such services.

I shall be very glad if these claims can be settled as an act of justice and good faith to all concerned. Before leaving this Bureau the four ladies named in this statement were given vouchers duly certified to the amounts equitably due them, which vouchers agree with the statement herein rendered.

Very respectfully,

T. J. MORGAN,  
Commissioner.

The SECRETARY OF THE INTERIOR.

*Statement of amounts equitably due per diem clerks appointed in Indian Bureau by Commissioner of Indian Affairs, and afterwards decided to be ineligible for such appointment.*

Miss Emma A. Genzerodt, March 9 to 20, both days inclusive, Sunday excepted, 11 days, at \$2 per day.....	\$22.00
Mrs. R. M. Boleigh, March 10 to 20, both days inclusive, Sunday excepted, 10 days, at \$2 per day.....	20.00
Mrs. Addie C. Sinclair, March 9 to 20, Sunday excepted and 1 day absent, 10 days, at \$2 per day.....	20.00
Mrs. Nellie B. Edgerton, March 10, one day.....	2.00

Above appointments were made under Commissioner's interpretation of the following provision of the act of March 3, 1891:

"To enable the Commissioner of Indian Affairs to transcribe and copy contracts, reports, and miscellaneous matters in his office, two thousand five hundred dollars, for which purpose he may employ per diem clerks at not to exceed two dollars per day each, and to be immediately available."

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
Washington, March 20, 1891.

SIR: I am in receipt of your letter of March 19, inclosing a copy of a letter from the Hon. Charles Lyman, president of the United States Civil-Service Commission. I note the decision of the Commission as follows:

"The Commission is clearly of the opinion that the persons to be employed in the Indian Office to 'transcribe and copy contracts, reports, and miscellaneous matters,' under the appropriation made for that purpose in the legislative, executive, and judicial appropriation act approved March 3, 1891, must be employed upon examination and certification under the civil-service rules."

In your concluding paragraph you say, "noting your recent expression at Chicago of your great desire for the extension of the civil-service rules, I am glad to think that it will be a pleasure, as well as your duty, to comply with the requirements pointed out by the Commission."

I assure you that it is a very great pleasure to me to comply with this requirement as I believe very fully in civil service.

Allow me a word of explanation about this matter: The item in the bill authorizing the employment of these per diem clerks did not originate in this office. A member of the House Committee on Indian Affairs came to me and asked whether in case such clerks were authorized, they could be used to advantage. To this I gave an affirmative reply. The work of the office is behind and, as you know, I have been very anxious to secure additional help to bring it up.

I know it was the design of the member who proposed this legislation that these per diem employes should be appointed directly by the Commissioner of Indian Affairs, without civil-service examinations, and as he has had large experience in legislative matters I took it for granted that the item of legislation proposed by him would accomplish his purpose. It seemed to me that the phraseology of the bill, which specifically authorized the Commissioner of Indian Affairs to employ per diem clerks was a virtual exception of these clerks from the civil-service rules.

Please note the difference of phraseology of the item under which my action was taken and that of the item cited by Commissioner Lyman. The latter is as follows:

"For the preparation of the Official Register for the United States, 1889, including editing, proof-reading, and indexing, \$4,000."

This does not seem to me strictly analogous to the item under which my action was taken, which is as follows:

"To enable the *Commissioner of Indian Affairs* to transcribe and copy contracts, reports, and miscellaneous matters in his office, two thousand five hundred dollars, for which purpose *he may employ* per diem clerks at not to exceed two dollars per day each, and to be immediately available."

Using the authority which I thought was clearly conferred upon me, I filled the places by the temporary appointment of four persons who seemed to be fully competent for the service. They are now employed, rendering much-needed help to the office.

All four of these ladies were entire strangers to me and in none of them have I any personal interest whatever. Two of them were appointed on the recommendation of Hon. S. W. Peel, with whom the legislation originated.

Under the circumstances I did not feel at liberty to refuse to make these appointments. If I had required the places to be filled by making requisitions on the Civil Service Commission, I felt that I would thereby violate the spirit of the legislation and defeat the purpose of its originator. My course in the matter seems to be fully justifiable. Nevertheless, I very cheerfully accept the ruling of the Civil Service Commission, and will notify the persons now employed of that decision, and will ask for the certification of suitable persons to take their places.

Although the amount of money is small, it is a hardship certainly, if not an injustice, that those who have rendered efficient service should not receive pay therefor.

It has occurred to me that inasmuch as this matter seems to rest entirely in the discretion of the President, if a full statement of the case were laid before him with your recommendation he might be willing to make an exception in this case so far as to allow these persons to receive pay for the services already rendered.

If this meets with your approval I will transmit a statement of the services rendered and the amount of money due each person, with the view of securing Presidential sanction for the payment of the sums due out of the money appropriated for such purpose.

Respectfully,

T. J. MORGAN,  
Commissioner.

The SECRETARY OF THE INTERIOR.