The result was announced—yeas 10, nays 35; as follows:

YEAS—10.

Baldwin, Hale, Morgan, Vest.
Carter, Hansbrough, Sewall, McMillan, Thurston.

NAYS—35.

Albright, Culerson, Kyle, Proctor,
Allison, Daniel, Lodge, Quarles,
Bard, Fairbanks, McComas, Ross,
Bate, Forsaker, Matliz, Shoup,
Berry, Frye, Nelson, Speaker,
Caffery, Harris, Perkins, Stewart,
Chandler, Hon, Pettigrew, Teller,
Clark, Jones, Ark, Pettus, Turkey,
Cockrell, Keen, Platt, N. Y.

NOT VOTING—41.

Allen, Elkins, McEnery, Sullivan,
Bacon, Foster, McLachrin, Tallinero,
Baker, Gear, Martin, Tillman,
Beveridge, Hanna, Mason, Turner,
Burrows, Hawley, Money, Warren,
Chilton, Heitfeld, Penrose, Wellington,
Clay, Jones, Nev, Platt, Conn, Wemore,
Colton, Konney, Pritchard, Wolcott,
Davis, Lindsay, Rawlins, Scott,
Deboe, McBride, Simons, Scott.
Depew, McCormber, Simon, Scott.

So the Senate refused to postpone the bill indefinitely.

The PRESIDENT pro tempore. The question recurs, Shall the bill be read a third time?

Mr. MASON. Mr. President, I desire to offer a few remarks in regard to the pending bill. The original bill as it was introduced provided:

That appointments to civil offices in Alaska, in Hawaii, in Guam, in Cuba, in Porto Rico, and in the Philippine Islands shall be made irrespective of the political affiliations of the appointees and in such manner as to represent the entire country and to give to each political party, as nearly as practicable, its proportionate share thereof.

Section 2 provided:

That such appointees shall not be removed from office except for incompetency, misconduct, inefficiency, or neglect of duty. Before removal the charges shall be made in writing and a copy thereof furnished to the accused, who shall be ordered to make answer thereto in writing, under oath, within a reasonable time, named in the order for answer.

Section 3 provided:

That if the accused shall fail to make answer within the time named the charges shall be taken as confessed. If the answer shall deny the charges the President may refer the ascertainment of the truth of the charges to any impartial person, who shall, in the vicinity of the place where the office is located, hear the testimony and report the facts found thereon to the President.

This bill was introduced and referred to the committee in January of this year, and of course we all had constructive notice, at least, as to what the bill provided. We may not, of course many of us did not, have actual notice, but we certainly had constructive notice; and now, for the first time, the Senate's attention is called to the fact that all the three sections of the bill are stricken out; the author is heard in support of his bill as amended, and by some management which is not in keeping with the facts of the case, as I understand it, for I was in the Senate Chamber, we are forced to a vote upon this bill without discussion and without an opportunity of weighing its good or bad qualities. Yes, as the Senator from Pennsylvania suggests to me, it may be unconstitutional, and some of us constitutional lawyers have not had an opportunity to discover wherein it is or is not constitutional.

I wish, before I proceed to a discussion of the merits of this case, to call attention to the marked difference between legislation if it is introduced by one of our brother Senators or if it is introduced by some other brother Senator, not necessarily showing any special influence or advantage that any distinguished Senator may have over some experienced brother upon this floor, but to show how eager we are to take up and discuss in brief moments those things which seem to be satisfactory or will give us an opportunity to say to the world that we are in favor of civil service, for I propose to show before I sit down that there is no civil service here. It is a division of the spoils, and you gentlemen who have been preaching civil service, which is one of the living hypocrisy's of the age, abandon your high plane of civil service and say, "No more examinations for fitness, but let us agree, boys, that whichever one of us wins we will divide the plums regardless of the man's ability, fitness, education, or training for the situation."

Mr. GALLINGER. And do it geographically.

Mr. MASON. Yes, and do it geographically. Now, I do not know whether or not our distinguished appointee in Cuba, Mr. Neely, was examined and gave the distance from the earth to the moon. One distinguished gentleman who was examined out West by the Civil Service Commission was asked how many Hessian came over to fight the Americans, and his answer was that a great many more came over than went back. [Laughter.] I think he received 99 per cent for the answer that he gave to that important question, when he was being examined to determine whether or not he could throw a letter into the Chicago box that was addressed to St. Louis. [Laughter.]

But, as I said before, I want to show the difference in treatment that this revolutionary bill has received and that which was received by the resolution I introduced, expressing sympathy for the struggling Boers. I introduced the resolution long before the appearance of Santa Claus last Christmas, long before you gentlemen went home or stayed in Washington to celebrate your Christmas holidays. I had supposed, by reason of the precedents established from the days of Monroe down to the days of Grover Cleveland, and the present Administration, too, that when I introduced a part of the Republican platform, which we adopted at St. Louis and which was adopted at the polls, from the beginning of the roll call, from the distinguished Senator from Rhode Island [Mr. ALDRICH], who answers first, down to my younger and less experienced friend who answers last, every man in the Senate would pray for a moment when he could express his sympathy for the struggling Republic in South Africa.

I introduced that resolution. I had not the good fortune the distinguished Senator has who presented this of being able to report my own resolution. On the 8th day of December, as I remember, I sent it adrift into the cave of doom and despondency, into the very valley of the shadow of death, presided over by the distinguished Senator from Minnesota [Mr. DAVIS] whom I now address.

Mr. President, I am sorry to address the Senate when there are so few present to hear these remarks of wisdom that fall from my lips so easily.

Mr. WELLINGTON. Would it not be well to have a quorum present? I raise the question of the presence of a quorum.

Mr. MASON. I am obliged to the Senator from Maryland.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Senator from Maryland suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich, Culerson, Kyle, Quarles, Ross.
Bacon, Fairbanks, Lodge, Rossell, Slough.
Bard, Forsaker, McComas, Soo, Teller.
Bate, Frye, McMillan, Stenford, Thurston.
Berry, Caffery, Gallinger, Mallory, Turey.
Butler, Carter, Hanbrough, Penrose, Wellington.
Chandler, Hoar, Pettis, Wellington.
Clark, Keen, Proctor.