

KNOX RELIEF BILL PASSES IN SENATE

No Debate on Measure Reducing Emoluments of Secretary of State to Old Figure.

TAFT OFFICIALLY SILENT

John Sharp Williams Declares Repeal of Salary Advance Does Not Re- move Constitutional Bar.

Special to The New York Times.

WASHINGTON, Feb. 11.—With President-elect Taft rests the decision in the queer constitutional tangle that threatens to prevent the accession of Senator Knox to the Cabinet. The Senate to-day passed a bill designed to remove the legal barrier which prevents Mr. Knox from accepting the Portfolio of State. The House is expected to do the same, although not without opposition and question.

Senator Knox refrains from any action or expression of opinion in the controversy. He has declined to be known in the affair in any way, and has refused to attempt to influence or advise the Senate in its consideration of the problem. In keeping with this determination, Mr. Knox attended none of the sessions to-day, and was not present at the special meeting of the Committee on Judiciary, of which he is a member, which reported out a bill dealing with his case.

Senator Clark, Chairman of the Committee on Judiciary, reported the bill early to-day in a form entirely different from the original, filed by Senator Hale. The measure provided:

That Section 4 of the act entitled "An Act Making Appropriations for the Legislative, Executive, and Judicial Expenses of the Government for the Fiscal Year Ending June 30, 1908, and for Other Purposes," approved Feb. 26, 1907, fixing the annual compensation of heads of executive departments be, and the same is hereby, repealed in so far as the same relates to the annual compensation of the Secretary of State, and the annual compensation of the Secretary of State shall be at the rate of \$8,000.

Section 2: That on and after March 4, 1909, there shall be no emoluments attached to the office of Secretary of State other than those which by the law in force on the first day of May, 1904, belonged to and were attached to said office.

Section 3. That this act shall take effect and be in force from and after March 4, 1909.

The word "emoluments" is used instead of "salary" in order to be in harmony with the language of the Constitution. The committee was not unanimous in regard to the question of whether it would be possible to repeal the salary increase provision so as to make Senator Knox eligible for the office. Senators Kittredge and Overman seemed to be in some doubt as to the propriety of taking this action, but they made no minority report.

Bill Passes Without Debate.

The introduction of the bill caused no debate. On motion it went to the calendar. It was not until late in the afternoon that Senator Hale asked that the bill be taken from the table for consideration. There were only a few Senators in the Chamber when it was read and there was not a single question asked as to its import, its constitutionality, or its desirability. By a viva voce vote it went through unanimously.

Earlier in the day there were vague rumors that opposition was growing, and that certain Western Republicans and several Democratic Senators would raise objections that the measure sought to invalidate a clear provision of the Constitution. In all cases those who were reported to be inimical to the bill protested that they had no intention of raising objections.

Senator Bacon, one of the Constitutional authorities of Congress, to-day indorsed Senator Rayner's contention that the inhibition of the Constitutional clause could be invoked only at the time of Mr. Knox's appointment. When Mr. Knox is formally appointed to the Department of State, provided the bill goes through the House, his salary will be at the figure it was before he voted to increase it to \$12,000. Therefore, these authorities declare, the Constitution cannot be invoked.

This desire to clear the way for Mr. Knox was as marked on the Democratic side of the Chamber as it was on the Republican side.

No Word from Mr. Taft.

Mr. Knox, according to his friends, is going to remain in the background until the return of Mr. Taft, when the whole matter will be put up to the President-elect, and his decision will determine the matter.

So far as can be learned, Mr. Taft has not communicated in any way with the Senator concerning the present tangle. Mr. Knox to-night declared he had not had word from Mr. Taft concerning it and scarcely expected any.

The Senate resolution reached the House just before adjournment late in the afternoon. From all present indications it will not have an easy road to travel through that body. The Republicans are split widely as to the constitutional aspects of the case, even with the increased salary repealed, while the Democrats almost to a man believe that the repeal of the increase in Mr. Knox's salary will be merely a circumvention of the Constitution.

In the Judiciary Committee, to which the resolution will probably be referred, doubt of the constitutionality of Mr. Knox's appointment is strongest, Chairman Jenkins himself being considered as opposed to anything that looks like dodging the plain constitutional provision.

Unconstitutional, Says Williams.

"There is a plain constitutional inhibition against this kind of thing," said John Sharp Williams to-day, "and the repeal of the offending paragraph now does not change the situation. The increase was voted during Mr. Knox's term, and nothing is said about its subsequent repeal in the Constitution.

"Besides, the provision in the first place was designed largely as a check to extravagance. The repeal, then, of Mr. Knox's personal gain from the act still leaves 90 per cent. of the work he voted for standing. The other salaries will remain high, and that is just what the Constitution intended to prevent. Of course, besides this there was the intention that a man should not vote himself particular benefits."

That is the position of Champ Clark and a number of other Democrats. A Pennsylvania Representative called on Mr. Williams to-day to ascertain the probable Democratic attitude. Mr. Williams gave him his opinion, but said that he did not intend to "make trouble" further than by voting against the resolution.

Samaritan Honorably Discharged.

Dr. James A. Stewart, the physician who was arrested Tuesday night while administering to Mrs. Ella Thornton, whom he met in Fourteenth Street, near the subway station, suffering from exposure, was discharged by Magistrate Herrman in the Yorkville Police Court yesterday. E. S. Peets, the man who caused the physician's arrest, testified that he "thought" Dr. Stewart had taken a purse from the woman and was trying to put it in his (Peet's) pocket. Mrs. Thornton was in court, but said she could remember nothing of the episode. Magistrate Herrman said he thought a mistake had been made.

One of Brooklyn's Big Men Dies.

William H. Knight, who was one of the biggest men physically in Brooklyn, died at his home, 922 Eighth Avenue, Brooklyn, on Wednesday night. He was 59 years old and a native of Orange County, where he had had a large farm, which was sold some years ago to E. H. Harriman. Mr. Harriman added the Knight farm to his country estate there. Mr. Knight was six feet seven inches in height and weighed nearly 300 pounds.