

WAY CLEAR FOR KNOX TO ENTER CABINET

**Relief Bill, Defeated on First Vote,
Is Whipped Through Under
Special Rule, 173 to 115.**

PRESIDENT READY TO SIGN

**Question Whether House Vote Shows
"Substantial Opposition" Enough
for Knox to Retire.**

Special to The New York Times.

WASHINGTON, Feb. 15.—The question of whether or not Senator Knox shall become Secretary of State in the Taft Cabinet is now squarely up to the President-elect himself, and it is expected that it will be settled by him, and affirmatively, very soon after his arrival here to-morrow morning. Senator Knox had expressed himself as unwilling to take the place if there were any "substantial" opposition in Congress to the bill reducing the salary of the office to \$8,000 in order to obviate the bar raised by the Constitution, the salary having been increased during his Senatorial term.

Now the question is whether or not the 115 votes against the bill in the House to-day constitute such "substantial opposition" in the opinion of either Mr. Taft or Mr. Knox. The bill was passed, ultimately, after having failed to secure the necessary two-thirds vote to put it through under suspension of the rules. The House organization came to the rescue with a special rule, snapped that through in lively style, and then passed the bill by a majority vote of 173 to 115, with 8 Representatives voting "present" and 90 paired or not voting at all.

President Roosevelt is known to stand ready to sign the bill as soon as he finds that it is what Mr. Taft desires.

Of course if it should turn out to-morrow that Mr. Taft thinks there has been too much opposition to the plan, the President will probably be called upon to veto the bill, in order to give the new Secretary of State, to be selected in that case, the same salary that his colleagues will have. But it is not believed by the close friends of Senator Knox in Washington to-night that there will be any such outcome of the situation, and the probability is that President Roosevelt will put his signature to the bill very soon, in order to have the whole matter settled.

Senator Knox went to the White House this morning and had a talk with President Roosevelt about the situation. The friends of Senator Knox to-night regard the matter as settled, and have no doubt that Mr. Taft will approve of what has been done.

But among those who all along have been doubtful of the sufficiency of the measure there is still a belief that Mr. Taft, in spite of what he has said publicly about the matter, may conclude that it would be better not to appoint Senator Knox in view of the amount of opposition shown in the discussion that has been raised.

Now that both Mr. Taft and Senator Knox have given the matter their careful study, it is known that both of them agree that the bill passed to-day entirely relieves Mr. Knox from the constitutional bar. The judgment of both men on constitutional questions carries the greatest weight. But it is nevertheless regarded as certain that efforts will be made to cast doubt upon the legality of Mr. Knox's acts as Secretary of State and that sooner or later the matter will have to go to the Supreme Court.

It was by the aid of a special rule, four roll calls, and a whole day's debate and manoeuvring that the House to-day cleared the road for Senator Knox's acceptance of the post.

Republicans Who Opposed Bill.

The Republicans who voted against the measure on the last vote were Bede of Minnesota, Caulfield of Missouri, Cook of Colorado, Darragh of Michigan, Denby of Michigan, Fuller of Illinois, Gilhams of Indiana, Hayes of California, Kustermann of Wisconsin, McCall of Massachusetts, Lindbergh of Minnesota, McCreary of Pennsylvania, Mann of Illinois, Marshall of North Dakota, Miller of Kansas, Murdock of Kansas, Nelson of Wisconsin, Nye of Minnesota, Prince of Illinois, Roberts of Massachusetts, Stafford of Wisconsin, Stevens of Minnesota, and Waldo of New York—23.

Many of the Democrats who supported the measure are prominent in their party. They were Bartlett of Nevada, Broussard, Clayton, Craig, Crawford, De Armond, Fitzgerald, Goldfogle, Griggs of Georgia, Hackney, Hammond, Howard, Johnson of Kentucky, Jones of Virginia, Kipp, Lassiter, Lee of Georgia, Lever, McHenry, Maynard, Moon of Tennessee, Padgett, Peters, Richardson, Robinson, Spight, Sulzer, Taylor of Alabama, Touvelle, and Watkins—30.

Six Republicans answered present, several of whom had voted against the bill in the earlier roll call. They were Chaney, Haugen, Hull, Keifer, McGavin, and Scott. Two Democrats voted present. They were Adamson and Burgess.

While the Republican vote against the enabling act was made up largely of insurgents who would naturally be opposed to a man of Senator Knox's conservatism, there were interspersed with them such died-in-the-wool House machine men as James R. Mann of Illinois, whose one-minute speech in the morning against the enabling measure was thought to have had great effect and to have prevented its passage under suspension of the rules.

Gaines Calls Up His Bill.

The Gaines bill was called up by Mr. Gaines immediately following the reading of the Journal, and twenty minutes' debate was allowed each side. The Democrats were anxious for full debate, and Champ Clark asked for one hour to the side. To this, however, Mr. Payne objected, as he did to the request of Mr. Henry of Texas, that the bill be discussed at a special night session lasting from 8 P. M. until 11.

The debate was then taken and the roll call showed a vote of 170 to 123. As this vote was twenty-two short of the two-thirds requisite under suspension the bill was defeated. For the next hour the regular order of business was resumed, while the Committee on Rules busied itself in the Speaker's room.

Things then began to move rapidly. The Speaker recognized Mr. Dalzell. Mr. Dalzell stated that he had a privileged resolution from the Committee on Rules. That resolution called up the Senate bill, which is identical with the defeated Gaines measure, and gave twenty min-

utes" debate to a side, ordered the previous question, and put the bill up for passage on a majority vote.

The real debate of the day came in the forty minutes allowed to discussion of the Gaines measure, the second debate being largely occupied in a technical discussion of the legal aspects of the case by John Sharp Williams for the opposition and Representative Olmsted of Pennsylvania for the Government. They each quoted a number of instances which the other could not explain away.

The earlier debate was generally considered one of the best and strongest that has been heard in the House for a long while, the limited time at the disposal of the speakers forcing them to prepare their brief paragraphs with the greatest possible condensation. Nearly every speech was interrupted with applause, Clayton, Bourke Cockran, and Mr. Mann receiving particularly cordial welcome. Mr. Gaines of West Virginia was also thought to have acquitted himself well in defending his bill from the charge of being a legislative amendment to the Constitution.

Mann Attacks the President.

Mr. Mann based his appeal for the killing of the bill on the fact that the passage of the measure would destroy the hopes of the country that Mr. Taft would prove a saner ruler than the present occupant of the White House. His indirect attack on the President came as a surprise at that juncture, while his defense of the constitutional tradition was enthusiastically applauded.

"I can't bring myself," said Mr. Mann in the minute at his disposal, "to belong to the group conspiring to put the President-elect in the position of violating the Constitution on the day he takes the oath to uphold it. And I cannot admit the sad inference contained in this bill that there are so few men in this country capable of holding the office of Secretary of State.

"The particular measure we are called upon to pass is not itself opposed directly to the Constitution, but it is opposed to the dignity and propriety of the circumstances. We have had criticism of the present President because he was neither a lawyer nor a Judge. And we have hoped that because the President-elect is both a lawyer and a Judge he would observe both the law and the Constitution."

"The position taken by Mr. Mann," said Mr. Cockran, "is one of the sort that has made his reputation in the House, and is the only one consistent with the dignity of the House, apart from its relations to the Constitution." The bill, he said, proposed an inequality in the Government, and its passage would either be a confession that the Constitution stands in the way of good appointments or that there is but one man fit for the position in the country, and that man standing under the ban of the Constitution.

Mr. De Armond, one of the leaders of the minority, and Mr. Lassiter were among the Democrats who defended the Gaines measure. Mr. De Armond insisted that the bill imposed no constitutional responsibility upon the House, and declared that the constitutional phase of the question ought to be left to the careful conscience of the Senate when the nomination is sent to that body by the next President. The question is one of propriety, and not of policy, he concluded.

Champ Clark's Argument.

Strict construction of the Constitution was the argument advanced by Champ Clark and Mr. Gillespie. The latter is a member of the Committee on the Election of President and Vice President, and drew up the minority report recommending that the whole question be referred to the Judiciary Committee.

"I would vote for this bill reducing a salary if it stood by itself," said Champ Clark. "But the bill as it stands is for the purpose of amending the Constitution by statute so that we will be personae gratae at the White House. The ineligibility of Senator Knox is a fact accomplished. The question is not political, but one affecting the construction of the Constitution and the understanding of plain English.

"The authors of the Constitution intended to put in this provision, and they were wise in so intending. If they had not put it in, we should be wise to insert it now by amendment. I would not stultify myself by voting for this bill if I knew that otherwise we should have no Secretary of State."

The outlet from the tangle, as explained by Mr. Clayton of Alabama, lay in a recourse to the meaning of the drafters of the Constitution. That meaning, he said, was plainly such that the repeal of the increased salary attached to the office of Secretary of State would beyond all doubt remove every stigma from Senator Knox's acceptance of the position and relieve him altogether from the ban of the Constitution as reasonably construed.

To-night Senator Knox and the President are in telegraphic correspondence with Mr. Taft. The ultimate decision is expected to-morrow morning, though the President may withhold his signature or veto of the bill long enough to allow a more protracted consideration of the case by Mr. Taft.