

DESTROYER HIT BY SUBMARINE; 5 ARE INJURED

Vessel Is First American Naval Craft to Be Damaged

WAS ON PATROL DUTY

HAVANA, Oct. 18. Reports from the British Admiralty indicating the intention of Germany to attempt a submarine blockade of the coast of Cuba have been received with the liveliest curiosity here.

WASHINGTON, Oct. 18. — A German submarine torpedoed an American destroyer on patrol duty in the war zone on Tuesday.

The man killed was Osmond Kelly Ingram, gunner's mate. He was blown overboard by the explosion and his body was not recovered.

NAME OF VESSEL WITHHELD In accordance with the policy of secrecy concerning American naval operations, the department did not divulge the name of the destroyer or the exact place of the encounter.

This is the first time an American warship has been hit by the enemy since the war began. Destroyers carrying troops and equipment have engaged submarines and are believed to have accounted for some of them, and the ships patrolling the European shipping lanes undoubtedly had made many an encounter of which nothing has been heard; but until Tuesday none had been touched by a hostile shot.

Naval crews on armed American merchantmen have not been so fortunate. Many of them have had to abandon their charges and take to the boats, usually after an unwarred torpedo attack, and one officer and thirteen men have lost their lives, while four more are in German prison camps.

In all, the navy has lost one officer and sixteen men—the only men of America's fighting force actually killed in action.

Naval officers do not doubt that the torpedoed destroyer was taken unawares by the submarine and had no chance to bring her guns into play.

General Pershing's report was without details. Lieutenant Graham's next of kin is Mr. William J. Graham, 154 Park avenue, Paterson, N. J.

If Lieutenant Graham was shot while serving at the front, as is assumed here, he was the first American of the expeditionary force to be wounded on the living line. One American officer was killed and several enlisted men of the medical department were wounded in the recent bombing of a hospital behind the front.

RUSSIA'S BOURGEOIS GET SEATS IN COUNCIL

Will Have 167 Representatives to 388 Allotted Democratic Organizations

PETROGRAD, Oct. 18. The Grand Preliminary Council of the Russian republic, which is scheduled to convene Saturday, will contain 555 members, it was announced today by the semi-official news agency.

This new body had its origin in the last democratic conference, which adopted a resolution to create a parliament for the control of the provisional government.

The original plan to have only representation from the extreme democratic element was opposed by the Government on the ground that the whole nation would not thus be represented.

According to the announcement of the semi-official agency, "the most distinguished members of all factions will be brought together for the deliberations when the council meets." It continues:

"The belief is firm in Government circles that the inauguration of the council will put an end to the diversified authority formerly vested in different councils affiliated with the General Council of Workmen and Soldiers' Delegates."

CITY TRUSTS' MEMBERS VISIT GIRARD PROPERTIES

Philadelphians Inspect Shenandoah Site of Proposed Hospital and Other Locations

POTTSVILLE, Pa., Oct. 18.—Former Governor Edwin S. Stuart, J. Hazleton Smith, Louis O. Hall and Alfred Hoyle, all of Philadelphia, members of the board of city trusts of Philadelphia, today are visiting the Girard estate properties in this and adjoining counties.

Among the places visited was Girard Heights, near Shenandoah, to overlook a proposed site for a hospital which is contemplated to be erected there.

MAYOR VETOES MEASURE TO BETTER WALNUT ST.

Removal of Steps, Areas, Etc., Beyond Building Line to Be Postponed

FINANCES DISCUSSED

Because of the cost of "cleaning up" Walnut street, between Seventh and Seventeenth streets, Mayor Smith this afternoon vetoed a bill calling for the removal of all steps or stoops, stands or booths, fences and cellar doors, extending beyond the building line above the sidewalk level.

The bill was favored by the Walnut Street Business Association and its passage through Councils two weeks ago was hailed with rejoicing.

CONSIDER FINANCES Financial measures before Councils today included a report of a temporary loan bill, the amount to be filled in later by the Finance Committee, a transfer bill cutting for immediate needs for depleted items and a number of measures involving small amounts of money.

With a grand total of about \$250,000 available for general appropriation until the end of the year, Councilmen will confine themselves to "shifting" funds already appropriated. Pressing needs include money for the mothers' pension bill, salary items in the Department of Public Works and a number of supply items.

Financial bills introduced by Joseph P. Gaffney, chairman of Councils Finance Committee, appropriate \$49,089 for the Municipal Court, \$10,000 for burial expenses of persons in the military or naval service and \$7070 to pay old claims for several societies for taking care of children during 1915.

The Municipal Court needs the money for furniture, stationery, labor and automobile hire and can mandamus the city for the various amounts if they are not otherwise forthcoming.

KRUSEN'S BILL A bill introduced at the request of Director Krusen, of the Department of Health and Charities, is designed to abolish the \$2000 position of diagnostician in the Bureau of Health, reduce the corps of assistant medical inspectors at \$1400 from thirty-four to four and create seven new assistant diagnosticians at \$1700 each.

Chairman Gaffney offered a measure requesting the board of trustees of the Philadelphia Commercial Museum to release to the city part of the lands the board controls near Thirty-fourth and Spruce streets. The property is needed for new structures at the Philadelphia General Hospital.

Among the resolutions passed was one authorizing Mayor Smith to ratify the United States engineer in charge of the district that the city will maintain the Schuylkill River channel below South street recently improved by the Government, until the new municipal sewage disposal plant is completed.

Another authorizes the Department of Public Works to employ extra engineers and assistants for work on the Parkway and other boulevards.

General Pershing advised the War Department yesterday that First Lieutenant A. Graham, medical officer, United States Reserve corps, attached to the British division, has been severely wounded in the thigh by gunshot.

Lieutenant Graham was shot while serving at the front, as is assumed here, he was the first American of the expeditionary force to be wounded on the living line.

One American officer was killed and several enlisted men of the medical department were wounded in the recent bombing of a hospital behind the front.

Three ways to know

Where to be sure of seeing Paramount and Artafact motion pictures.

1. By seeing these trademarks or names in the newspaper advertisements of your local theaters.

2. By seeing the same trademarks on the theatre or in the lobby.

3. By seeing them flashed on the screen inside the theatre.

FAMOUS PLAYERS-LASKY CORPORATION

ADOLPH ZUKOR, Pres. JESSE LASKY, Secy. 1501 BROADWAY, NEW YORK.

Paramount-Artafact Pictures Have Their

FIRST PRESENTATION IN PHILADELPHIA

In This City's Two Leading Photoplay Theatres

The Stanley ARCADIA

Market Street Above 16th

Where they are screened in the most advantageous manner, amid most appealing environment, perfect ventilation, original ideas and with programs of artistic music excellently rendered and other features that make the Stanley and the Arcadia

THE THEATRES OF QUALITY, PRESTIGE AND SATISFACTION

GOVERNOR'S RIGHT TO APPOINT FIXED

Dauphin Court Validates His Selections Despite Senate's Refusal to Confirm

AUDITOR GENERAL LOSES

HARRISBURG, Oct. 18. In an opinion handed down today by Judge Kunkel, the Dauphin County Court decides the Governor has the right to make ad interim appointments, even though appointees have been previously rejected by the Senate.

This opinion, in case there is no appeal, validates the appointments made by Governor Brumbaugh of men rejected by the Senate when they came before that body for confirmation just previous to adjournment of the last session of the Legislature.

The case came before the court in the prayer of Commissioner of Banking Daniel P. Lefean for a peremptory mandamus ordering Auditor General Snyder to honor warrants drawn by Lefean, which Snyder had declined to do on the ground that the appointments were not legal.

The court grants the mandamus and overrules Snyder's motion to quash the case. It was said that Mr. Snyder probably would appeal to the Supreme Court, in which case the suits will hang fire until next May, when that court sits here.

At the time the Kunkel opinion was handed down, Judge McCarrill filed similar opinions in the cases of Superintendent of Printing Long, Commissioner of Fisheries Butler and Secretary of Agriculture Patton, who had brought suits of the same kind.

IMPEACHMENT A REMEDY Judge Kunkel goes thoroughly into the merits of the case and quotes numerous authorities as precedents. The political effect of the opinion, if it is not appealed or is sustained by the Supreme Court, will be to uphold the Governor's lands in all appointments until the next session of the Legislature convenes, although the Court is careful to point out that the remedy for any irregularities with which the Executive might be charged lies in the impeaching powers of the Legislature.

The court holds that the Commonwealth is the proper plaintiff, thus overruling the contention of the Auditor general that the name of the State should not be used "for relief of a private citizen," which he held the petitioners for mandamus to be. The court finds also that the contention of Mr. Snyder that there is "adequate remedy at law" cannot prevail against the Commonwealth.

The court after quoting the State Constitution on the subject, bases its ruling on the following grounds: "The Governor is authorized to fill a vacancy temporarily, but to fill it permanently for a full or unexpired term he must have the advice and consent of the Senate. There does not seem to be any question but that the vacancy which was here filled happened during the recess of the Senate. The first commission, granted by the Governor and held by the relator, expired at the end of the session of the Senate. When the Senate adjourned the vacancy occurred."

GOVERNOR'S POWER UNRESTRICTED "If the power of the Governor to appoint to the vacancy in question is once conceded, that, we think, puts an end to this litigation. In the Constitutions of other States there is express prohibition against the appointment to office by the Executive

of one who has been rejected by the Senate, but there is no such restriction found in the Constitution of this State. The restriction applies, however, not to the power of the Governor to fill the vacancy, but to his power to select the person with whom to fill it.

It is true that by appointing during the recess the person whom the Senate has rejected the Executive might continue him in the office for a period which would virtually amount to a permanent appointment, and thereby the provision of the Constitution be circumvented, which declares that to a permanent appointment to office the advice and consent of the Senate must be had. The same object could be attained by his refusal to make a nomination during the session of the Senate. However, there can be no presumption of any such intention on the part of the Executive, but should it exist and an attempt be made to carry it out, a complete remedy is at hand.

To this suggestion, in State vs. Kuhl, 51, New Jersey law 191, it is said: "The possibility of abuse loses its significance the moment we distinguish between power and duty. The question of power alone can be considered by this court. For willful breach of official duty or abuse of power committed by him, the Governor is, like other civil officers, liable to impeachment and must answer to the tribunal erected under the Constitution for the trial of such cases. Even though the Governor should be guilty of a breach of duty in his duty after the adjournment of the Legislature, it would be his duty to fill the vacancy. In that case the impeachable conduct would be his willful refusal to advise with the Senate and not his act in filling the vacancy in the after recess."

In conclusion, Judge Kunkel says that the defendant does not question the power of the Governor to fill a vacancy and that "the courts have no control over his right to select nor may they question the propriety of his selection."

The mandamus asked by Lefean is, therefore, granted and the motion to overrule quashed.

MOTTERN GETS RESPIRE

Governor Stays Execution Pending Application for Pardon

HARRISBURG, Oct. 18.—Respite was granted today by Governor Brumbaugh staying the execution of Henry Ward Mottern, Jefferson County, from the week of October 22 to the week of October 29, permitting an application to be presented to the Board of Pardons for a rehearing.

Mottern, who was refused commutation last year and twice denied rehearing, has been spared from death five times by respite.

STATE BAPTISTS GIVE PLEDGE OF PATRIOTISM

Wire President Assurances of Loyal Support in Prosecution of War

"AMERICA" LUSTILY SUNG

ALTOONA, Pa., Oct. 18. Baptists of Pennsylvania pledged support to President Wilson today when the Pennsylvania Baptist ministers' convention unanimously ordered sent the following telegram, written by the Rev. W. Quay Hoselle, Philadelphia, State president:

President of United States: The Pennsylvania Baptist general conference in annual session assembled at Altoona, assures you of its loyal support of the national Administration in its efficient and heroic prosecution of our part in the great struggle for humanity, and we pray God to keep you in health to complete the work of leadership which so far you have done with such commanding ability.

The vast audience then sang "America." These officers were elected today: President, the Rev. W. Quay Hoselle, Philadelphia; first vice president, J. Denay O'Neil, McKeesport; secretary, the Rev. Charles A. Walker, West Chester; treasurer, Dr. A. M. Graves, Philadelphia; general secretary, Walter T. Lee, Dr. J. Mince Wilbur, W. H. Ball, all of Philadelphia; Lewis C. W. Law, Greensburg; Luther Keller, Scranton; State Highway Commissioner O'Neil and Governor Brumbaugh's secretary, Ball, both addressed the convention today. O'Neil said that if Pennsylvania politics is to be made clean, Penrose and his policies must be banished.

FRAUD IN N. Y. PRIMARY

G. O. P. Election Officials Plead Guilty to Making False Returns

NEW YORK, Oct. 18.—Four Republican election officials of Brooklyn pleaded guilty today to making false returns on the recent primary day. The four, who are under indictment, are J. F. Barry, Thomas James, Albert Bidner and Paul Dunbar.

The returns of these men showed that former Senator William M. Bennett received twenty-seven votes and Mayor Mitchell thirty-eight. The recount showed the opposite.

BABY DRINKS POISON DRESS LEFT IN GLASS BY SUICIDE

Child's Face Badly Burned While Mother Seeks Aid for Boarder

While his mother was frantically calling for the police to take charge of the body of a man who had just swallowed a fatal draught of poison in her house, three-year-old James Robinson, Pierce street near Twenty-second, yesterday placed to his

baby lips the glass in which a few drops of the poison remained and was terribly burned about the face and mouth. The child was taken to St. Agnes's Hospital and will recover.

The suicide was John Agnew, twenty-four years old, formerly employed as a driver for a down-town coal company. Despondency over the loss of his position is given as the cause of his act. He had recently been arrested on a charge of drunkenness and had been discharged by the magistrate, but upon his release his employers refused to permit him to return to work. He then returned to the Robinson home, where he boarded, and took poison.

MANN & DILKS 1102 CHESTNUT STREET TYROL TWO Men's Overcoats Street Coats Motor Coats 16.75 18.75 22.75 24.75 Tyrol Wool in full loose cut. Tyrol Wool has warmth without weight, is damp-proof, will not wrinkle or muss and has endless wear. ALSO Tyrol Wool Golf Suits, Jackets, Vests, Sweaters, etc. MANN & DILKS Manufacturers of Shirts, Gowns, Palamas, etc. Importers of Underwear, Hosiery, Gloves, Cravats 1102 CHESTNUT STREET

Style WEARERS of Walk-Over shoes can give thought and attention to style, when buying shoes. The question of comfort has already been worked out for them. When a man admires a pair of shoes that he sees in the window, then comes in the store and tries them on, it's a pleasure to watch the satisfaction creep over his face as he rests his weight on them and finds they are at once comfortable. TRADE MARK REG. U.S. PAT. OFF. The world over, all Walk-Over shoes bear the same Walk-Over Trade Mark. Look for it. Walk-Over SHOES THERE is many a man who would like to wear a good-looking shoe, but thinks he would have to sacrifice comfort, if he did. This is not the case at The Walk-Over Boot Shop. All Walk-Over shoes are made to fit, but all feet are not alike. We carry a sufficiently large stock to give you a fit you will enjoy, in a style you will approve. The WALK-OVER Shops 1022 Chestnut St. 1228 Market St.