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H. H. WILLIAMS & CO.,
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PROBS: East to south winds; milder, with snow or rain.

TRADE MARK

TRADE MARK

The Toronto World

Whitney Boldly Asserts Principle of Provincial Rights Says Electric Power Act is Both Legal and Constitutional

**Answers "Ring" Attacks
On Ontario's Legislation**

Prime Minister Claims for Parliament of Ontario Same Right to Legislate as Has Been Exercised for 200 Years

by Lords and Commons of Britain Without Fear of Royal Veto.

Hands Off Ontario!

Sir James Whitney's reply to the request of the Dominion Government, to show cause why the provincial legislation creating the hydro-electric power commission should not be disallowed, will be read with interest by every Canadian who realizes the importance of the preservation of provincial rights. In its way, and considering the ultimate issues, the question is as important to Canada as the constitutional question now before the British electorate. British freedom has been won by the long struggles of a fearless democracy, met at every crisis by opposition of every description, now arising out of royal encroachments, now of hereditary privilege, again of vast wealth, and more recently of the arrogance of commercial combination, masquerading as on other occasions and with other causes as vested rights.

The act chiefly under consideration is declared in categorical terms to be "not altogether illegal or unconstitutional, nor is it illegal nor unconstitutional in part, being, in fact, both legal and constitutional; nor does it clash with the legislation of the Dominion Parliament; nor does it affect the interests of the Dominion generally."

Sir Oliver Mowat's brave words are cited, and Hon. Edward Blake was curt and concise on the rights of the legislature. A number of eminent authorities are cited in addition, concluding with the present minister of justice and Chief Justice Fitzpatrick, to show that the Dominion has no right to interfere in matters which, as Sir Charles puts it, are to be settled at the polls.

The reply constitutes an exhaustive history of the whole Whitney electric policy, and is worthy of careful study. A perusal of the document will probably convince the reader that the parliament of Ontario has the same liberties and the same right to legislate that for 200 years have been exercised by the lords and commons of Great Britain "without fear of the royal veto, altho its existence has been undoubted, and, therefore, in full accord with the spirit and genius of British institutions."

After hearing for months in dignified silence the electric king's attacks, in season and out of season, in the law courts and in the public press, and by unending pamphlet brigades and petitions to parliament, to endeavor to prevent the triumphant Whitney-Bock power policy, the government of the Province of Ontario has made its official protest to the government of Sir Wilfrid Laurier in a lucid, comprehensive and convincing statement, which is now in the hands of the Ottawa authorities.

The intention of the government of Sir James Whitney to preserve, on behalf of the people of the Province of Ontario, their inherent rights as British subjects, of freedom "to legislate within their jurisdiction, in the name and on behalf of Great Britain free to legislate," is expressed in no uncertain terms.

The crux of the question is expressed in a quotation from the judgment of the judicial committee of the privy council in the case of *Hodge v. The Queen*, in which it is asserted that the British North America Act, in conferring the legislative powers not in any sense to be exercised by delegation, and that the legislature, within its limits of subjects and area, has the same authority as the imperial or Dominion parliament, being the legislature of the Province of Ontario.

Quotations from Sir Oliver Mowat, Hon. Edward Blake, and particularly a long quotation from Hon. A. B. Aylesworth, in his report on the *Pleasure Mining Co. disallowance petition*, clinch the argument.

Ample answer is given to the contention that the Power Commission Amendment Act of 1909 was no provision for the payment of easements. "It is there as any doubt as to this," it declares, "it can be made clear by the legislature at its next session by a declaratory act."

Statements as to the alleged adverse effect of the power project on provincial credit are refuted in pithy newspaper interviews with Byron E. Walker, William Mackenzie and E. B. Osler, M.P.

It is pointed out that no objections were raised by the Electrical Development Power Co. until after it had failed, thru its tender not being the lowest, to secure the contract from the power commission.

It is made clear that the contracts with the municipalities must go back to the taxpayers for confirmation, and the petition of 12 municipalities praying that the misrepresentation of the courts in this regard be corrected, in consequence of which the amending act was passed, is quoted.

A strong point is made in the statement that during the current session of the imperial parliament there are no less than 34 instances of constructive substantive legislation, in which no appeal is allowed to the courts on matters affecting the rights of property.

The text of the protest, which is in the form of a report to the lieutenant-governor by the attorney-general, and which was transmitted to the Ottawa authorities thru the secretary of state, is as follows:

NOT SO ROUGH OR SCIENTIFIC

U. S. Experts Not Altogether Favorably Impressed By Our Style in Football.

NEW YORK, Dec. 12.—(Special.)—Ten thousand interested spectators saw Hamilton Tigers defeat Ottawa Rough Riders by 11 to 6 in an exhibition game of Canadian Rugby football on Saturday afternoon.

The game was to afford an opportunity for a number of football experts to see the Canadian game, in an effort to adopt it in such a way as to remove the fatal roughness that accompanies the United States variety of football.

Expert opinion given by veteran football players is unanimous in condemnation of the Rugby game as a sport less dangerous to life and limb than the home game. The open character of the play, with its punting and running passes, made a distinct impression on the critical spectators, and it was the general opinion that the exhibition would lead to many reforms in the U. S. rules.

Some, of course, had flaws to point out, but it is believed that their objections would be removed if the Canadian teams' was as thoroughly drilled and trained in their rules and play as are the big U. S. college and other representative eleven.

Walter Camp's Opinion.
Walter Camp, the noted football authority, had this to say: "As played by the Hamilton-Ottawa teams, football is much less dangerous than as played in the United States. Of course, you cannot tell how dangerous the game would be if played by Americans. In both games there is a possibility of injury, but the openness of the Canadian play makes the probability of serious hurts less than it would be between American teams under American rules."

"There are many things about the Rugby game I admire. One of these is the freedom of punting. The rule which allows a man a free kick is a good one. "In the matter of tackling, I cannot see much difference. Americans throw their man harder, but the rules governing the tackle are the same. The increased punting which the Rugby game permits, however, would make hard tackles less frequent. To my mind, the game seen this afternoon was less spectacular than the American game, and, therefore, less interesting. I do not believe that as a whole it will ever be adopted in this country, tho we may take hints from it."

Says Play Seemed Loose.
Alonso Stagg of Chicago said: "It is a question in my mind, whether this openness is an advantage. The play seems to be loose and the element of chance enters largely. It is seldom that a fumble entails any great disadvantage to the team that muffs the ball. The game does not seem to be as much a test of skill as the American game, and, therefore, less interesting. I do not believe that as a whole it will ever be adopted in this country, tho we may take hints from it."

Continued on Page 7.

B. C. SHOULD OWN PHONES

Provincial Conservative Association Pass Resolution in Favor.

VANCOUVER, B.C., Dec. 12.—(Special.)—Nelson was chosen as the next place of meeting by the Provincial Conservative Convention at Kamloops today. A resolution was passed favoring government ownership of telephone lines. It evoked hot discussion, several delegates championing the cause of the B. C. Telephone Co., which owns practically all the phones in B.C.

THREE CHILDREN INCINERATED

Left Alone, Set Fire to Farm House and Perish.

OTTAWA, Dec. 12.—At a farm near Eganville early Saturday morning, a farmhouse was destroyed and three children burned to death, the family of Joseph Brazier. They were aged from one month to six years.

The farmer was absent at work, and his wife had gone out to milk, leaving the three little ones alone. On his return the man found the house on fire, but too late to effect a rescue.

No inquest will be held.

ATTACKED BY PET DOG

Man, Seized by Apoplexy, Had Face Terribly Bitten.



Mr. HOCKEN: I'm going to try a shot at that rooster anyway.

NO USE FOR PREFERENCE THAT MAKES FOOD DEARER

Will Crooks Says That's the Feeling in Colonies—Austen Chamberlain Criticizes Asquith.

LONDON, Dec. 12.—(C.A.P.)—According to a Melbourne cable to The Chronicle, Will Crooks, the British Labor M.P., speaking of the preference cry, said, "The colonial preference question is laughed to scorn wherever I have been. When it is mentioned that the preference will raise the price of the next step was and they visited the constituents at Strichley, made a searching criticism of Mr. Asquith's speech at Albert Hall. There was not a word about the question of the tariff, but the question which closer intercourse and friendship could be fostered."

An alliance between ourselves and our kinsmen beyond the seas might be promoted thru tariff reform. Reformers of the tariff were ready to take that next step was and they visited the constituents at Strichley, made a searching criticism of Mr. Asquith's speech at Albert Hall. There was not a word about the question of the tariff, but the question which closer intercourse and friendship could be fostered."

BABE BURIED IN A SOAP BOX

Enquiry Results From Improper Interment of Illegitimate Child.

PORT HOPE, Dec. 12.—An arrest may follow the burial of an infant daughter born to Florence Paden, aged 20 years, the daughter of Mr. and Mrs. James Paden, Sullivan-street. The young woman was unmarried.

The infant was born on the 6th inst. and the birth registered by Dr. A. G. Aldrich. Tuesday, the mother says, the baby died from convulsions, when the grandmother placed the remains in a small soap box and a boarder, Albert Ginsburg, aged 22 years old, took the box and buried the body in a yard to the rear of Blacklock's grocery. Ginsburg denies being the father of the child.

No death certificate was asked for, and upon the autopsy to-morrow will depend much in regard to the actual cause of death.

Recently there occurred the death and proper burial of an infant child, only five days old, of Mrs. James Paden, mother of Florence. In contrast to the alleged ignorance of the burial law displayed by Florence Paden and young Ginsburg.

Q.O.R. SEMI-CENTENARY WILL BE BIG SPECTACLE

Reunion in June Next Expected to Bring Together 15,000 Ex-Members.

A celebration containing many spectacular features is being planned by Sir H. M. Pellatt, members and ex-members of the Queen's Own Rifles to mark the semi-centenary of the regiment. The event will take place in Toronto about the third week in June and will be preliminary to the visit of 600 members of the regiment to England in September.

On Saturday night a number of gentlemen who have been identified with the regiment in the past met at Sir Henry Pellatt's house on Sherbourne-street and discussed plans, and a number of committees were appointed to carry out the scheme. Sir Henry has in his mind, these committees comprise press-committee, ex-members of the Queen's Own Chapter of the Daughters of the Empire. Major Murray was appointed chairman of the general committee.

The details of the celebration will be worked out by the committees, but in a general way it is intended to invite all the ex-members who can be communicated with to come to Toronto. These are asked to send their names to the secretary of the semi-centenary committee, General Postoffice, Toronto. On the 27th of the month a meeting of all the committees will be held at Sir Henry's house to further discuss the plans.

It is expected that the Queen's Own men from all parts of the country and foreign countries will be here on the Saturday preceding the celebration week, and that on Sunday a monster church service will be held. During the week the celebration will take the form of spectacular parades, probably in the exhibition grounds, and some of the expense of the reunion will be met by charging an admission to the grounds. A subscription list will be opened, and it is understood that Col. Pellatt will head the list with a substantial amount.

Since the formation of the Queen's Own 50 years ago about 15,000 men have seen service in the regiment, and a fair proportion of this number attend the celebration will be a gigantic affair.

Among those present at Saturday night's meeting were: Col. Sir Henry Pellatt (chairman), Major Murray, Prof. Baker, Capt. Boyce Thompson, Lieut.-Col. Delamater, R. Y. Ellis, Alex. Wheeler, Joseph Thompson, Albert Jackson, James Burns, Chas. J. Townsend, R. H. Bowes, Charles Fuller, Alex. Crooks, J. I. Hearn, W. J. Chadwick, James Pearson, W. J. Darby, W. G. Parsons, George Watts.

B.C. LOCAL OPTION RETURNS

VICTORIA, B.C., Dec. 12.—(Special.)—B.C. local option returns to date show 17 constituencies for, 8 against and 10 to hear from.

FOR SALE

\$3500—Baldwin, near McCaul.
\$2500—Robert, near Harbor.
\$1850—Borden, near Bloor.
For further particulars, apply
H. H. WILLIAMS & CO.,
26 Victoria Street, Toronto.

9 MEN FROZEN IN SMALL BOAT

Found Sitting Up Straight in Their Seats—Part of Bessemer Crew.

ERIE, Pa., Dec. 12.—With flag at half mast, the state fisheries boat, Commodore Perry, brought to this port today the dead and frozen bodies of nine men of the crew of the Bessemer & Marquette Ferry No. 2, which left Conneaut, Ohio, Tuesday morning carrying 32 men, and which has evidently foundered in the middle of Lake Erie. The yawl was found 75 miles from this port.

Eight of the men were sitting up in the boat, their life preservers strapped about their shoulders. The ninth man lay at the bottom of the boat frozen to the flat flooring. The faces of the men were bloated. Their clothes were heavy with frozen water.

News of the finding of the bodies had reached the city before the Perry arrived, and thousands of persons swarmed the wharves. When the fish boat made fast, a force of men with tackle immediately set to work raising the bodies of the men to the dock, when they were conveyed to the morgue, followed by hundreds of persons.

Conneaut, Ohio, where all the dead men lived, was notified by telephone of the grim find, and a hundred residents of that city arrived here within two hours. They were taken directly to the morgue, where the following identifications were made: H. Thomas, a second cook, Port Stanley; and Wm. Ray, J. W. Souars, waiters; G. R. Smith, steward; F. Steele, fireman; J. Schenk, fireman; J. Hart, other; O'Hagan, Chas. Allen, all of Conneaut, Ohio.

Only One Wore Overcoat.
Thomas, the cook, was the only man who had worn an overcoat. The eight bodies were dressed in overalls and jumpers, indicating that the departure from the dock had been hurried. In the bow of the boat was found complete clothing for one man, and it is the belief that the yawl originally contained ten men, and that one body, which was found, had discarded his clothing and jumped into the icy waters of Lake Erie.

Albert J. Weiss of this city, treasurer of the Keystone Fish Co., and the Bay State Iron Works, was a passenger on the ill-fated boat.

Justified. That the heavy sea broke the key which held the cars in place, and, weighted heavily with coal, they raced to the stern of the boat, overturning her keel. She probably turned turtle and sank within a minute's warning.

At Conneaut, Ohio, a public funeral service in remembrance of the victims will be held. Among the dead were Capt. McLeod, with relatives at Kincardine, Ont., his former home; his brother, who was first mate, and lived at Courtwright, Ont.; John Thomas, and Roy Hine of Port Stanley, Ont.; John King, Aymer, Ont., and John King, London, Ont.

Heard Distress Whistles Early on Wednesday Morning.
PORT STANLEY, Dec. 12.—(Special.)—Several residents at Port Stanley said to-day that about 5 o'clock Wednesday morning they heard the distress whistles of a steamer now thought to have been the Bessemer, which would be from one to ten miles out in the lake.

A heavy northwest gale was blowing. It is supposed that in turning the ferry got caught in the trough of the sea, and that the cars on board broke loose.

It is said that Capt. McLeod expected today that the Bessemer would go down. It is said that she was top-heavy. She rolled terribly in an ordinary storm.

One day last summer she came into port with quite a sea on. The Bessemer was then rolling very badly. Capt. Walter Smith of London, who knew Capt. McLeod well, stated that he, the commander and asked what caused it.

"My load is on the hurricane deck," said Capt. McLeod, "not to where it should be. That is what causes the rolling."

"If we were caught in a heavy sea and the cars shifted a man would not have time to put on his hat until she would be on the bottom. She would go down like a shot."

Coal Ferry Ashtabula Aground at Port Burwell.
LONDON, Ont., Dec. 12.—(Special.)—A despatch from Port Burwell says that the C. P. R. coal carrier, "Ashtabula," a big steamer, is ashore in the harbor. The Ashtabula plies between Ashtabula, Ohio, and Port Burwell. The government tug Hercules at Port Stanley was requested to go to her assistance, but the captain declined to make the attempt to-night, saying that it would do no harm to wait until morning.

Barge Sinks Suddenly, But Crew of Four Are Saved.
DETROIT, Dec. 12.—A special from Sandusky, Ohio, says: After a terrific battle with ice, the steamer Huron City arrived at Huron to-night (Saturday) bearing the crew of the barge Charles Spademan of Marine City, which she was towing, which went down in 30 feet of water about half a mile southwest of the South Bass Island light last night. The rescued crew numbers four, one of whom is a woman. It took a hole in the Spademan and in ten minutes there was four feet of water in the hold. The Huron City was quickly put about in the storm and dashed to the sinking schooner. The barge went down ten minutes after the crew left her.