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TORONTO, FRIDAY, MAY 24, 1895.

THE SITUATION.

Leave has been given by the Judicial Committee of the Privy Council to Ontario to appeal against the decision of the Supreme Court of Canada, in the matter of prohibition. In all these State cases between the Dominion and a province, it is usual to exhaust every judicial resource open to the parties. On this ground, the application for leave to appeal is intelligible; it had to be made in the line of duty, how remote soever may be the prospect of the appeal being successful. Sir Oliver, it is easy to conceive, felt it his bounden duty to ask the right to appeal, and now that leave has been given, it is not improbable that he will be present at the hearing and argue the case himself. There are really only two points to be considered: Whether the province which has authority to grant licenses has a right to refuse to issue any, and what effect the decision would have on the traffic; whether prohibition could be assured in this incidental way, or whether the attempt would not open the door to unrestricted traffic in the articles of which it was desired to prohibit the sale. Control over commerce is in the Dominion; the right of licensing the sale of liquor is in the provinces. If the right to prohibit exists, it is most reasonable to suppose that it is an incident of the right to control commerce; in other words that it resides in the Dominion. The appeal may or may not give the Dominion Government a breathing spell, before it declares its policy on prohibition. However this may be, the report of the Prohibition Commission is, in accordance with the practice in such cases, an indication of what that policy will be. Ontario has declared for prohibition in case she shall be found to have the necessary legislative power.

Crowner's 'quest law has long been a standing subject for sarcasm in England. But it is at the expense of the juries that the wits amuse themselves. In Ontario we have minimized resort to the coroner's jury, for economic reasons. The Hyams' case shows that this economy is liable to be ill-placed, and that the latitude given to the coroner to decide that an inquest is not necessary is liable to produce results more serious than the scandal of rival coroners quarreling for the possession of the corpse. The coroner decided that no inquest was necessary in the Hyams' case, over which lawyers have, with the aid of the police magistrate first, and a superior court judge and jury afterwards spent something like three weeks. How is a coroner to know, in a given case, that no inquest is necessary? He cannot know without some enquiry, which he must conduct alone. We now know that such enquiry may be very superficial and inadequate; may have no effect except to mislead and create a false impression. There is some danger that murder may in this way pass into oblivion without the necessary enquiry; suspicion, if there be ground for it, might never be developed or scrutinized; if it had begun to dawn, it might be lulled by a hasty conclusion of a coroner, based upon an entirely inadequate personal enquiry. There are people who, from the first enactment of the law, have had misgivings as to its efficiency. Its defects, and the possible mischief it may work, are now patent to all.

One result of the change of policy by which the sealing of arms by sealers in Behring Sea will no longer be recognized as necessary by England, will be a conflict of instructions between the cruisers of the two nations; those of the United States having gone out under the impression that the old rule is still in force. A despatch from Washington says that the American Government will still act as if the sealing of arms was necessary. Each nation is thus acting on its own responsibility, as it has presumably a right to do. The arrangement was purely conventional, and not at all obligatory under the Paris award. What is obligatory is, that there shall be no sealing at specified times and places, and anyone transgressing the rule will be liable to the penalties provided. But a contention may arise over the question whether the possession of unsealed arms by a sealer in Behring Sea will constitute a valid cause of capture. If the Americans should contend that it does, and England that it does not, a case for another arbitration may unhappily arise, preceded by captures and national irritation resulting therefrom. We trust, however, that the possible ground of contention will not become real.

From present appearances, the negotiations for the admission of Newfoundland into the Confederation of Canada have definitely failed. The breakdown came in the attempt to arrive at a financial basis of union. Newfoundland wanted Canada to assume a debt of nearly sixteen millions ($15,829,834). By putting in at their face value, $4,073,465, assets which would prove unproductive, and perhaps entail a serious expense in working railways, Newfoundland tried to show a relatively less debt than that of Canada, and demanded an annual subvention of $203,673 to square the account. No business man would value the railway assets at the cost of the roads: the true value is to be deduced from their revenue-producing power, if any, though on political grounds some departure from this sound rule might possibly have been allowable. Canada was asked to pay for the folly which has landed Newfoundland in bankruptcy. If these assets were good for the amount, why could not Newfoundland keep them and the railroad property which they represent? The reason is plain: the revenue from the main road across the Island when completed, would not pay the interest on the bonds. If the Island could not afford to keep the road and its revenue, neither could Canada accept, at a fictitious figure, assets which would have no assured revenue-earning power, though it can scarcely be said that no ground for compromise exists. We can understand that Newfoundland could not join Canada and undertake to finish the railway. The contractors have agreed to take the bonds of the Island Government; but it does not follow that they would be bound to do so after confederation. If Sir Charles Tupper once, as Mr. Bond points out, agreed that Canada should give $8,000,000 to the railroad across the Island,