

taking charge of the estate, calling a meeting of creditors, and selling perishable goods.

Where notice of contestation is given, the creditor should not be at liberty to withdraw except on cause shewn; for it has occasionally happened, that compromises are made which are very suspicious. In the absence of a contestant, as where his debt is garnished, his objection should nevertheless be inquired into and decided upon. In the case of secured claims, it should be imperative on the creditors relying on such to furnish the assignee with full particulars of his securities. As it is now, he merely ignores the proceedings, resting content with the weapon he holds.

Privileged and secured creditors should be disqualified from voting, as it is manifestly unjust that they should have equal rights with those who are interested in doing the best for all concerned. A creditor who tenders for purchase of the insolvent's estate, or part of it, should not be allowed to decide upon the acceptance or rejection of his offer.

It is sometimes found that agreements exist between the insolvent and debtors to take out indebtedness in trade. If it is just to landlords to interfere with their rights, under leases, it is certainly no less just and proper that such agreements as these indicated should be voided, so far as receiving payment in trade is concerned.

The power of the assignee is too limited. It might be extended, so as to give additional powers to seize property, after the manner of sheriffs, and in such case, the provisions of the Interpleader Act might be made to apply. It would be well, also, to reduce the number of official assignees in each county. A reduction in number would give each one such employment as would enable him to employ a staff such as justice to the business demands.

The assignee should be empowered to compound for debts due to, and to sign composition deeds on behalf of the insolvent, and when authorized, by power of attorney, to execute the insolvent's composition deed on behalf of such creditors as wish it. There is no provision for the absence of the assignee. The delay necessitated by his absence might be avoided if there were a power of appointing a deputy. In the event of a dividend being declared on claims based on promissory notes, where the insolvent is indirectly liable, there is no power in the assignee to sue the parties directly liable. There is no provision for commuting dower in the case of a sale of land. Were such commutation to be made, upon the basis of the amount realized by the sale of the property subject to dower, it would be a reasonable way of selling to the best advantage, without injustice to anybody. Assignees are required to keep duplicates of and file every original document. This is of no practical value, and only adds to the expense.

There is no provision for the assignee's right of appeal when he is dissatisfied with his allowance. One creditor, by buying up claims, may hold the assignee at his mercy. It has been held that an assignee cannot obtain a discharge if no dividend has been paid. This is certainly unreasonable, and should be provided for. There is difference in the power over the sale of leases and that of stock. Now many a time a stock can be sold for the sake of the lease, and if the assignee could sell the one on the same terms as the other, and at the same time, the insolvent's estate would undoubtedly be the gainer.

There is also a difficulty where one partner absconds and the other wishes to make voluntary assignment. In the case of concealment or absconding there is great delay. The method of bringing the estate into liquidation is not expeditious. Perhaps it would, in such case, be better for the judge to call a meeting of creditors at once.

In all the particulars mentioned, there is such apparent reason for amendment in the law that we do not think it necessary to do more than summarize. As the Insolvent Act is being amended, it only requires a little trouble to obviate the necessity for future tinkering.

EXPORTATION OF AMERICAN SILVER.

The public were made aware, a few days ago, by a return laid before Parliament, that the Government, through the Bank of Montreal, had exported about one million dollars of American silver coin in February and March last. The history of the operation—very properly kept quiet till completed—throws light upon this question, which, if simple in theory, is beset with many difficulties in practice. In consequence, no doubt, of the state of the market, the sale of bonds to the full amount of the silver purchased was not completed; but we have the opinion of Mr. Angus that the entire operation would have resulted in giving the Government the loan—for such it really was—at a rate not to exceed 6½ per cent. About two-thirds of the silver was exported to Liverpool and London, and the balance to New York; several lots were disposed of in the latter city at from 4½ to 5 per cent. The transaction seems to have been well managed throughout.

Although a million dollars were exported in this way, and a large quantity also under the exploded Weir scheme, the effect on the market was comparatively slight. This proves either that there is a much larger quantity of American (and British) silver in the market than was supposed, or that the existing duty, and the machinery for the collection of the revenue, are valueless for the purpose of preventing its importation. We

believe the quantity in circulation has been very generally under-estimated. These coins are to be found in the remotest districts of the country; they are distributed through all the ramifications of capital and industry; and as there is no central point to which they can be returned for conversion at par, as a bank note, or used in payment of indebtedness, current funds are so used, and these coins are retained outside in circulation. Hence the attempt to export the surplus silver of the Dominion is a Herculean task, and cannot be made successful by any fitful attempts, to say the least. Whether it can be accomplished at all by the use of reasonable measures, so long as monetary affairs in the States remain as at present, is yet to be proven; for ourselves, we are decidedly skeptical on the point. To get it out is one thing, but to keep it out is quite another affair. An export movement is directly calculated to defeat itself, and the nearer apparent success is reached, the more difficult the task becomes. So soon as enough is exported to appreciate the coins to par, the inducement to bring them in becomes too powerful to be successfully resisted. The strictest surveillance on the part of customs officials could not prevent a stream of illicit importation large enough to nullify any export scheme.

It is pretty well understood that the flood of American silver in Canada is directly traceable to the system of irredeemable paper currency in vogue in the United States. Silver coins having disappeared from the channels of circulation, have become useful only for shipment abroad, and for the few other purposes to which specie is now applied. But for all these purposes gold is a better medium, and hence silver is at a discount, as compared with gold, ranging from four to six or seven per cent., according to circumstances. To buy it at this discount and pay it out in Canada at par, affords a clear percentage of profit as large as the discount itself, less expenses. The discount here now rules much the same as in New York, and is to a great extent governed by the rate in that city. There is, therefore, no special inducement to ship either way at present.

While the obstacles to immediate relief, by means of exportation, seem insuperable, there is no reason why the Government should not avail itself of the opportunity to exchange bonds for this specie on favorable terms. If profitable export operations may be carried on for the account of the Government, the people will have no reason to complain: rather the contrary. But to attempt the riddance of the country of this silver, at an expense to the country, is clearly unwise.