

money, any security given by him for the return of the money, may be supported under the doctrine of pressure, as the fear of penal consequences, is, of itself, sufficient pressure to take from the security the character of a voluntary preference: *Molson's Bank v. Halter*, 18 S. C. R. 88; and see *Ex p. Taylor—Re Goldsmid*, 18 Q. B. D. 295; *Halwell v. Tp. of Wilmot*, 24 App. R. 628.

It appears to be now settled that a mere request by the creditor without even a threat of legal proceedings, is sufficient to take away from a preference any fraudulent character: (*Molson's Bank v. Halter*, 18 S. C. R. pp. 94-5; *Davies v. Gillard*, 21 O. R. pp. 435-6; 19 App. R. 432; *Stephens v. McArthur*, 19 S. C. R. pp. 453-4; *Beattie v. Wenger*, 24 App. R. at p. 76; *Gignac v. Iler*, 29 O. R. 147;) and this is so, however desperate the affairs of the debtor may be at the time, and notwithstanding the creditor's knowledge of the debtor's insolvency: (*Davies v. Gillard*, 21 O. R. pp. 435-6; 19 App. R. 432; *Stephens v. McArthur*, 19 S. C. R. p. 456;) and also notwithstanding that the property comprised in the preferential security is all the property owned by the debtor: (*Davies v. Gillard*, 19 App. R. 432;) provided always that the pressure exercised by the request was not a mere sham brought about by collusion between the debtor and the creditor: (*Davies v. Gillard*, 21 O. R. p. 436.) In order that a preference shall be deemed an unjust preference within the meaning of the Act, the giving of it must be the spontaneous act of the debtor not originating in a demand or some other step or active interference of the creditor: (*Molson's Bank v. Halter*, 18 S. C. R. p. 95; *Stephens v. McArthur*, 19 S. C. R. pp. 446, 453, 463.)

Mr. Justice Osler in a recent case says with reference to the doctrine of pressure: "Whenever it is available to support an instrument attacked as being an unjust preference, I consider the law thereon in this Province to be as it is stated in such cases as *McCrae v. White* (1883), 9 S. C. R. 22; *Long v. Hancock* (1885), 12 S. C. R. 532; *Molson's Bank v. Halter* (1890), 18 S. C. R. 88; and *Slater v. Oliver* (1884), 7 O. R. 158." *Webster v. Crickmore*, 25 App. R. at p. 100.

A recent judgment of the Judicial Committee of the Privy Council deals with the doctrine of pressure in a case in which an insolvent debtor had consented to judgment in favour of one of its creditors, a bank. The Statute touching the matter was one providing against a case where an insolvent debtor "voluntarily or by collusion with a creditor" gives a confession of judgment "with intent thereby to give one or more of the creditors of any