defeat the operation of the Act, wherever the creditor had reasonable cause for believing that the debtor was insolvent. (Compare the section of the Dominion Insolvent Act, referred to at the beginning of sec. 31, ante.)

Under this section it was uniformly held that the doctrine of pressure was not applicable. (*a*)

The decisions upon the Bankrupt Act of 1800 were the same on this point as those of the English Courts. (*b*)

37. Concluding remarks—Upon the whole it seems extremely doubtful whether the doctrine of pressure is not productive of more harm than good. The theory upon which the law recognizes it, viz., that the active, diligent creditor who is prompt to secure himself the moment his debtor falls into difficulties is a highly meritorious personage, is certainly not beyond dispute. Such a man, by pushing a debtor to the wall, frequently converts what might have proved to be a merely temporary embarrassment into irretrievable insolvency, and to that extent impairs the effective wealth of the community. And even where the debtor is so deeply involved that there is no reasonable hope of his ever fully satisfying the claims against him, it seems quite contrary to the plainest principles of natural justice that one creditor should be allowed to aggrandize himself at the expense of the others merely because he happens to be possessed of more observant faculties, or, it may be, a harder heart. The unfairness and unreasonableness of the existing rule is also set in a strong light by the fact that the ability of a creditor to safeguard his interests by importuning his debtor depends very largely upon mere accidents of locality. A creditor who lives in the same town as his debtor is in a much more favourable situation for discerning the signs of approaching failure than one who lives at a distance. Upon foreign creditors, in particular, the doctrine of pressure weighs very hardly, and, in view of the wide-reaching operations of modern commerce, it is scarcely too much to say that this fact alone is a sufficient reason for its total abolition by the Legislature.

(*a*) *Clarion Bank* v. *Jones* (1870) 21 Wall. 325; *Rison* v. *Knapp* (1870) 1 Dill. 186, and authorities cited in note.

(*b*) See *Phœnix* v. *Dey* (1809) 5 Johns. (N. Y.) 412.

C. B. LABATT.