dealing with the Assignments and Preferences by Insolvent Persons Act of Ontario[35]—the headnote says:

> . . . the preference provided against in the statute is a voluntary preference and a conveyance obtained by pressure from the grantee would not be within its terms.

And further on . . .

> . . . the fear of penal consequence was sufficient pressure on him to take from the mortgage the character of a voluntary preference.

It is submitted also that the case of *Robert Gibbons, Assignee of the Estate of Andrew Morrison, and Insolvent* v. *Lewis McDonald and John C. Heffernan,*[36] is a decision again on the problem of preference in regard to the Ontario Act, which, in essence, confirms the position that pressure is a defence under the Ontario Act and since there was pressure in the *Gibbons* v. *McDonald* case then, of course, the creditor succeeded.

It is interesting to note in the case of *A. H. Boulton Company Limited* v. *The Trusts and Guarantee Company Limited*[37] better known as *In Re Bozanich,* that Chief Justice Duff says:

> It is proper to assume that it was the statute as it had been construed by the English courts and applied in the administration of bankruptcy law in England that Parliament intended to adopt.

The Canadian Parliament in 1919,[38] in deliberately putting in a section negativing pressure as a defence certainly must be deemed to have drastically altered the law and yet, as can be seen from the above, it is questionable as to whether it has had much, if any effect, in accomplishing that purpose.

—NEIL V. GERMAN, Q.C.*

35 Assignment and Preferences by Insolvent Persons Act, R.S.O. 1887, c. 124.
36 (1892) 20 S.C.R. 587.
37 [1942] S.C.R. 130.
38 *Id.*, at 135.
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LETTER TO THE EDITOR

The Editor
Alberta Law Review

Dear Sir:

I have read with interest the illuminating article by Stephen J. Skelly on "Refusal of Sexual Intercourse and Cruelty as a Ground for Divorce", (1969) VII Alta. Law Rev. 239, in which the recent English case law on the subject is examined.

It might be helpful in this connection to draw attention to the recent decision of the English Court of Appeal in *Slon* v. *Slon* [1969] 2 W.L.R. 375, [1969] 1 All E.R. 759 (C.A.), where it was held that unreasonable refusal of sexual intercourse, even without consequential injury to health, may amount to expulsive conduct and thus constitute constructive desertion.

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