

(1891). The liens claimed by the different lien-holders were in respect of work and services done and rendered prior to the date of the service of the petition to wind up, which was on the 18th February, 1908. The winding-up order was made on the 28th February. The liens were registered at different dates, but all within 30 days after the commencement of the liens, viz., on the 11th February, 12th February, 19th February, 21st February, 27th February, and 3rd March. The winding-up begins at the time of service of notice under sec 5 of the Act R. S. C. 1906 ch. 144, and by sec. 22 no proceeding shall be commenced against the company except by leave. By sec. 133 all remedies sought for enforcing any lien upon property in the hands of the liquidator shall be by way of summary petition. And by sec. 84 no lien on the property shall be created in respect of issue of execution or registry of judgment or making of any attachment, etc., if before actual payment of the money the winding-up of the business of the company has commenced. This last section does not apply to mechanics' liens, but it indicates that the particular privilege shall not arise if the issue of the process or the taking of the proceeding has been after the notice to put the company into insolvency has been served: *Re Empire Co.*, 8 Man. L. R. 424. Here, all the liens existed by force of the Ontario statute prior to that notice being served on the 18th February, and their efficacy and precedence is not disturbed by the subsequent proceedings in insolvency. In other words, the estate and assets of the company came to the hands of the liquidator with this existing lien, which is to be recognised as a valid claim attaching upon the land in question and to be paid in priority to ordinary creditors. Quoad the lien, the liquidator represents no higher claim than that of the insolvent company.

I would affirm the order in appeal with costs.

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SUTHERLAND, J., IN CHAMBERS.

FEBRUARY 11TH, 1910.

MACKENZIE MANN CO. v. SCOTT.

*Local Judge—Jurisdiction—Provisional Judicial District—Creation of New District—Rules 45, 47, 48, 76—Appeal to Judge of High Court in Chambers.*

Appeal by the plaintiffs from an order of the local Judge of the High Court at Fort Francis.

Featherston Aylesworth, for the plaintiffs.

W. H. Price, for the defendant.