

Winding-up Act, R.S.C. 1906 ch. 144, sec. 22, requires that leave shall be granted before an action is commenced against a company ordered to be wound-up.

A. G. Slaght, for Hobbs, supported the motion.

G. H. Kilmer, K.C., for the liquidator appointed by the Quebec Court, contended that the Quebec Court had become seised of the company's affairs, and the Supreme Court of Ontario could not interfere. He cited *Baxter v. Central Bank of Canada* (1890), 20 O.R. 214; *Blais v. Bankers' Trust Corporation Limited* (1913), 14 D.L.R. 277; *Lavell v. Canadian Mineral Rubber Co. Limited* (1913), 14 D.L.R. 521.

Slaght, in reply, pointed out that the land against which the lien was registered was in Ontario; the company had been carrying on business in Ontario; the statute which gave the lien was an Ontario Act; the action to preserve the lien must be brought in an Ontario Court; and the applicant ought not to be forced to go to a foreign Court for leave to commence an action in this Court.

MULOCK, C.J.Ex., was of opinion that the leave sought could be granted only by the Quebec Court, and dismissed the motion.

FALCONBRIDGE, C.J.K.B.

JULY 31st, 1918.

*SCOTT v. CRINNIAN.

Vendor and Purchaser—Agreement for Sale of Land—Purchase-money Payable in Instalments—Destruction by Fire of Buildings on Land—Insurance Moneys—Application of—Principal and Interest under Agreement not in Arrear—No Right in Vendor to Apply on Instalments not yet Due—Lien of Vendor on Moneys—Disposal of—Payment into Court—Mortgages Act, R.S.O. 1914 ch. 112, secs. 2 (d), 6.

On the 14th May, 1912, the plaintiffs agreed to sell land in Sarnia upon which an hotel stood to T. H. Crinnian and P. C. McGowen for \$21,000, to be paid \$1,000 on the date of the agreement and \$300 every year thereafter until the whole amount should be paid, with interest at 5 per cent.

By a clause in the agreement of sale and purchase, the purchasers were to insure the hotel-building to its full insurable value, in their own names, but loss to be payable to the vendors as their interest might appear.