judgment was given fo[illegible] e defendant, but the Divisional Court (Darling and Bucknill, JJ.) reversed the judgment, but for different reasons. Darling, J., taking the ground that assuming Smith was not precluded by the acceptance of the surrender from enforcing his right to forfeit the plaintiff's interest, inasmuch as Smith had accepted the surrender without notice of that interest; still the re-letting of the premises to a new tenant and entry by that tenant, did not operate as an entry by Smith so as to effect a forfeiture and therefore the plaintiff's interest was still subsisting. Bucknill, J., on the other hand, was of the opinion that the acceptance of the surrender by Smith even though in ignorance of the breach of covenant, precluded him from subsequently forfeiting the plaintiff's interest.

COMPANY—WINDING-UP—OFFICIAL RECEIVER AND LIQUIDATOR—FRAUD—EXAMINATION OF PERSON CHARGED—PERSON EXCULPATED FROM CHARGE OF FRAUD—JURISDICTION TO ORDER RECEIVER TO PAY COSTS PERSONALLY—COMPANIES WINDING-UP ACT, 1890 (53-54 VICT. c. 63), s. 8—(R.S.C., c. 144, s. 121).

In re Tweddle & Co. (1910) 2 K.B. 67. A limited company having been ordered to be wound up, the official receiver, who was also liquidator reported under the Winding-Up Act, 1890, s. 8, that in his opinion the facts reported by him constituted a fraud in the promotion or formation of the company, and that certain persons named in the schedule were parties to the fraud. Among the persons so named was one Easten, a director, and on this report he was ordered to be examined. After his examination he applied to the judge for an order exculpating him from the alleged fraud and the order was granted, and the receiver was directed to pay his costs of the examination and of the application for the exculpatory order, and there being no assets of the company, the judge ordered the receiver personally to pay them. On appeal by the receiver to a Divisional Court (Darling and Bucknill, JJ.), those learned judges held that there was no jurisdiction to make an order against the receiver personally. Darling, J., being of the opinion that the receiver had made the report on which the examination was made in the discharge of his duty fairly and honestly, and without any misconduct; and Bucknill, J., taking the ground that even if the judge had power to make the order, in the circumstances, he ought not to have made it. We notice, however, that the Court of Appeal have taken a different view, and have come to the