

misapprehension as to the true effect of the judgment. The judgment had been passed and entered, and Romer, J., held that he had no jurisdiction to set the judgment aside, and that the defendant could only obtain that relief by bringing an action for the purpose.

COMPANY—WINDING-UP—OFFICIAL RECEIVERS AND LIQUIDATORS, LIABILITY OF,
FOR COSTS—MISFEASANCE SUMMONS—WINDING-UP ACT (53 & 54 VICT., c. 60),
s. 10—(R.S.C., c. 129, s. 83).

In re Powell, (1896) 1 Ch. 681, an official receiver and liquidator of a company being wound up, had issued a summons against certain directors and auditors of the company to compel them to account for £48,000 in respect of alleged misfeasances, and the present application was made on behalf of some of the persons attacked, to compel the liquidator to give security for the costs of the proceedings. Romer, J., refused the application, but in doing so stated that in case the liquidator should fail in his proceedings, he might be personally ordered to pay costs, and in considering whether or not the liquidator ought to be personally ordered to pay costs, regard should be had to the fact that he had opposed an application for security for costs, and that the Court had refused to order security on the ground that there would be jurisdiction to order him to pay them personally.