REVIEW OF CURRENT ENGLISH CASES.

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AWARD ACCEPTED AND ACTED ON—SUBSEQUENT APPEAL FROM PART OF AWARD—APPROBATE AND REPROBATE.

Johnson v. *Newton Fire Extinguisher Co.* (1913) 2 K.B. 111. This was a case under the Workmen's Compensation Act, 1906, in which the workman had applied for arbitration to fix the compensation, and an award was made fixing a certain sum per week to be paid. The workman acted on the award and accepted the compensation, but shortly afterwards appealed from the award as to costs. The Court of Appeal (Cozens-Hardy, M.R., and Buckley, and Hamilton, L.JJ.) held that he could not do this; that having accepted and acted on the award, he could not appeal from any part of it—in short, he could not both approbate and reprobate.

CHATTEL MORTGAGE—DAMAGES FOR NEGLIGENT SALE BY MORTGAGEE—RESTRICTION ON CHARGES BY MORTGAGEES—PENALTY FOR EXCESS—BANK ACT (R.S.C. 1906, c. 29), s. 91—VOLUNTARY PAYMENT OF UNAUTHORIZED INTEREST.

McHugh v. *Union Bank* (1913) A.C. 299. This was an appeal from the Supreme Court of Canada. The action was brought by mortgagors against chattel mortgagees for an account in which the plaintiffs claimed credit for damages for negligence on the part of the mortgagees in selling the mortgaged property, consisting of houses, and also for a penalty being treble the amount of an alleged excessive charge by the mortgagees for expenses and commission on the sales. The stipulated rate of interest was 8%, but the defendant bank admitted it could not enforce a higher rate than 7%, while the mortgagors contended that only 5% could be recovered. The Judicial Committee of the Privy Council (Lord Haldane, L.C., and Lords Macnaghten, Atkinson, and Moulton) allowed the appeal in part, holding first that the findings of the judge at the trial as to the defendants' negligence in making the sales and as to the consequent amount of damages, were not shewn to have been erroneous and ought not therefore to have been varied by the Supreme Court of Alberta. Secondly, that the N. W. Can. Ordinances, c. 34, whereby a chattel mortgagee's charges in respect of seizure