built thereon in the year 1895. Prior to 1885 the owner of the mine excavated the upper strata under the plaintiff's house, but left pillars sufficient to support the land and house of the plaintiff. In 1885 the defendant became the lessee of the mine, the lower strata of which he worked till 1908, when his work resulted in the subsidence of the surface with resulting damage to the plaintiff's house. The action was brought to recover damages for the injury so occasioned. The only question in dispute was as to the measure of damages, the defendant contending that he was not liable for any damages attributable to the prior working of the mine: but Coleridge, J., who tried the action, rejected this contention, and gave judgment for the whole damage sustained, and the Court of Appeal (Eady, and Pickford, L.JJ., and Bray, J.) affirmed his decision, as Eady, L.J., remarks, "But for the defendant's wrongful act there would have been no damage to the plaintiff, and to that wrongful act all the damage must therefore be attributed."

ACTION—JUDGMENT FOR PRICE OF GOODS SOLD—JUDGMENT UNSATISFIED—SUBSEQUENT ACTION AGAINST ANOTHER PERSON FOR PRICE OF SAME GOODS—NO JOINT CONTRACT—TRANSIT IN REM JUDICATAM—INTERLOCUTORY OR FINAL ORDER.

Isaacs v. *Salbstein* (1916) 2 K.B. 139. This was an action to recover the price of goods sold and the defence raised was that the plaintiff had previously brought another action against other parties and recovered judgment for the price of the same goods which remained unsatisfied. It was not claimed that these other parties were joint contractors with the present defendants nor that they were principals or agents of the present defendants. In these circumstances the learned Judge of the City of London Court held that the claim was merged in the judgment and therefore that the present action would not lie. But the Divisional Court (Lush, and Atkin, JJ.) reversed his decision, and directed a new trial; and the Court of Appeal (Eady, Pickford, and Bankes, L.JJ.) affirmed the judgment of the Divisonal Court, being of the opinion that the maxim of *transit in rem judicatam*, in the circumstances, had no application, and that the prior judgment not being against a joint debtor with, nor a principal or agent of, the defendant in the subsequent action, and being unsatisfied, it formed no bar to the present action. The question was raised