facts shortly stated were as follows: the plaintiff, whilst he was driving his cab, came into collision with a van of the defendant, through the negligence of the defendant's servant, whereby he sustained bodily injury and his cab was damaged, and the plaintiff, before the present action, sued the defendant for damage to his cab in the County Court, and the defendant paid into the Court a small sum which was accepted, and thereupon the action in the County Court was discontinued. The plaintiff then brought the present action, and judgment was entered for him at the trial. The Queen's Bench Division, however, made absolute a rule to enter judgment for the defendant, and the plaintiff now appealed to the Court of Appeal, which held that the plaintiff could maintain his action, and was entitled to have the judgment entered at the trial in his favour restored. The effect of the decision is thus given in the head-note: "Damage to goods and injury to the person, although they have been occasioned by one and the same wrongful act, are infringements of different rights, and give rise to distinct causes of action; and therefore the recovery in an action of compensation for the damage to the goods is no bar to an action subsequently commenced for injury to the person." At page 145, Brett, M. R., says: "Different tests have been applied for the purpose of ascertaining whether the judgment recovered in one action is a bar to a subsequent action. I do not decide this case on the ground of any test which may be considered applicable to it, but I may mention one of them; it is whether the same sort of evidence would prove the plaintiff's case in the two actions. Apply that test to the present case. In the action brought in the County Court, in order to support the plaintiff's case, it would be necessary to give evidence of the damages done to the plaintiff's vehicle. In the present action it would be necessary to give evidence of the bodily injury occasioned to the plaintiff, and of the sufferings which he had undergone, and for this purpose to call medical witnesses. This one test shews that the causes of action as to the damages done to the plaintiff's cab, and as to the injury occasioned to the plaintiff's person are distinct." A passage from the judgment of Bowen, L.J., at p. 150 *seq.*, will clearly shew the connection between this and the last case: "Two separate kinds of injury were in fact inflicted, and two wrongs done. The mere negligent driving in itself, if accompanied by no injury to the plaintiff was not actionable at all, for it was not a wrongful act at all till a wrong arose out of the damages which it caused. One wrong was done as soon as the plaintiff's enjoyment of his property was substantially interfered with. A further wrong arose as soon as the driving also caused injury to the plaintiff's person. Both causes of action, in one sense, may be said to be founded upon one act of the defendant's servant, but they are not on that account identical causes of action. The wrong consists in the damage done without lawful excuse, not the act of driving, which (if no damage had ensued) would have been legally unimportant . . . The view at which I have arrived is in conformity with the reasoning of the judgment recently pronounced by this Court in the case of *Mitchell* v. *Darley Main Colliery Co.*, where it was held, reversing *Lamb* v. *Walker*, 3 Q. B. D. 389, that each fresh subsidence of soil in the case of withdrawal of support gave rise to a fresh cause of action. Nor do I feel called upon to extend the application of the sound and valuable principle of law, that none shall be vexed twice for the same cause of action, to a case to which it has never yet been applied, and to which it can only be applied by pursuing analogy to lengths which would involve practical