

ordinary courage and steadiness: that of this city corporation's servants were aware; and that proper precautions were not taken on the occasion in question to warn persons of the approach of the roller to the street on which the horse was passing. It was held that the corporation and contractors were both liable. It was contended on behalf of the city that the terms under which the paving company were accorded the use of the roller amounted to a hiring by the paving company, so as to place its working and control entirely in their hands, and that the city were relieved from responsibility for any negligence while the roller was engaged in the paving company's work. But, without determining the question as to the hiring and user, the Court held that the place where the work was to be done and the means by and the manner in which it was to be performed made it incumbent on the city, if it had been doing the work otherwise than through a contractor, to see that proper precautions were taken to guard against danger to the public from the use of the roller. That being so, it was clear that the city could not denude itself of this obligation by entrusting the work to a contractor. The city placed the performance of the work in the hands of contractors and furnished them with this dangerous machine as part of the means with which it was to be performed. The operation of the machine was likely to be attended with danger to the public. The obligation still rested on the city to see that proper precautions were taken: *Kirk v. City of Toronto* (1904) 8 O.L.R. 496.

In a case decided by the Court of Appeals of Kentucky, it appeared that the appellants, having a contract with the owner for the erection of a building, sublet the brick work to an independent contractor. The latter, in doing the brick work, failed to erect barricades to prevent injury to persons passing along the adjoining sidewalk. A child in passing on the sidewalk was injured by a brick falling from the scaffold erected by the independent contractor. An action for damages was brought against the original contractor, and it was held that the failure to erect such barricades for the protection of the public, considering the location of the building with respect to the