

injury by the negligent conduct of the work. To this general rule, however, there are several exceptions.

2. The employer, on the contrary, is liable, if he actively interferes or assumes direct and personal control over the contractor or his servants, in the execution of the work, on the principle of the well recognized rule of respondeat superior. A mere right to superintend or stop the work if ill-done, or the power to reject it if not rightly done, or the power to discharge the contractor's workmen for incompetency, will not render the employer answerable for the contractor's fault or negligence.

3. The employer is also liable, in case injury is done to a third party by the negligence of the contractor, if the work is of such a character as casts upon the employer the duty of seeing it properly executed.

4. The like responsibility rests upon the employer, as stated in last paragraph, if the work is such as likely to cause damage to others unless effectual means are taken to guard against it.

5. The employer is also liable for injury to a third party by the negligence of the contractor, if the work is unlawful in itself, or is done in contravention of statutory or municipal authority, where leave is required first to be had of such authority.

6. Where a statute or municipal authority empowers the execution of a work and imposes a duty as to the manner of its execution, an obligation rests upon the employer to see it properly done and he cannot escape responsibility, if a third party is injured by the negligent act of a contractor who is entrusted with its performance.

7. If the work necessarily results in the creation of a nuisance or makes a place dangerous which before was safe, then, regardless of the relation which exists between them, the employer is liable for the breach of duty on the part of the independent contractor.

8. Some judges, by virtue of the decision in *Reedie v. The London and North Western Railway Co.* 4 Exch. 244, have held, that even in a case where a duty is cast upon an employer to see the work properly done, he is not liable for an act of negligence, causing injury to a third party, carelessly done by an independent contractor or his servants, which was a mere incident in the course of carrying on the operation and left no tangible result upon the work when completed. This question, however,